

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/11 **DATE OF COMPLETION:** 05/22/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that some time around midnight, he left his backpack atop a trash can in the Tenderloin neighborhood while he went inside a corner store. Several individuals told the complainant that police officers were searching his backpack. When the complainant exited the store, he saw two plainclothes police officers searching through his backpack. The complainant grabbed his backpack. When he asked them what they were doing, one of the officers told the complainant that since the 9/11 attacks, they have been suspicious of unattended packages. The named officer stated that his partner searched the complainant's backpack. The named officer's partner stated that he saw an unattended backpack atop a garbage can. None of the people standing nearby claimed ownership of the backpack, so the officer began searching inside for information that could identify the owner. The officer stopped his search when the complainant approached and claimed ownership of the backpack. The evidence established that the named officer began searching the backpack, which had been left on the street in a high crime area. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer made rude and disrespectful comments.

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

FINDINGS OF FACT: The complainant stated that the officer made rude comments. The named officer denied the allegation. Two witness officers stated that they did not hear the named officer make the comments attributed to him. A civilian witness who is an acquaintance of the complainant stated that he did not hear the rude comments described by the complainant but heard a different rude comment not mentioned by the complainant. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him without cause for littering and jay-walking. The complainant denied littering but stated the he walked a short distance in the street outside the crosswalk. The named officer stated that he cited the complainant because he saw him litter and jaywalk. Two witness officers confirmed seeing the complainant litter and jaywalk. A civilian witness who is an acquaintance of the complainant stated that he saw the complainant drop a piece of paper or a matchbook to the ground and then heard one of the officers say that they could cite the complainant for littering. This witness stated that when the complainant crossed the street, he was walking slightly outside the intersection. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer improperly handled property.

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

FINDINGS OF FACT: The complainant stated that some time around midnight, he left his backpack atop a trash can in the Tenderloin neighborhood while he went inside a corner store. Several individuals told the complainant that police officers were searching his backpack. When the complainant exited the store, he saw two plainclothes police officers searching through his backpack. The complainant grabbed his backpack. When the complainant arrived home, he discovered that cash and a money order that he had been carrying for several days was missing. He last saw the cash and money order one hour before this incident. The named officer stated that he saw an unattended backpack atop a garbage can. None of the people standing nearby claimed ownership of the backpack, so the officer began searching inside for information that could identify the owner. The officer stopped his search when the complainant approached and claimed ownership of the backpack. The named officer denied seeing any cash or a money order inside the backpack and denied taking anything from the backpack. Two witness officers stated that the named officer did not take anything from the complainant's backpack. A civilian witness who is an acquaintance of the complainant stated that he saw the officer searching the complainant's backpack, but because the officer's back was towards him, he could not determine whether he took money out of the backpack. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer driving an unmarked vehicle nearly collided with the complainant's bicycle and then confronted him in a threatening manner at the following intersection. The officer denied the allegation. There were no witnesses or evidence so there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/01/11 **DATE OF COMPLETION:** 05/31/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer unlawfully issued her a citation for an act she did not commit. The officer stated that he was on uniformed patrol duties when he observed the complainant walk against a red light for pedestrians and he then issued her a citation for that violation CVC 21456b. There were no identified witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation and stated that his manner was calm and professional. He denied yelling at the complainant but admitted that he did advise her that she could be arrested if she did not sign the citation. Furthermore, he admitted that he did take his handcuffs out after he stated that the complainant repeatedly denied his request to sign the citation and did take the pen from her hand. There were no identified witnesses to this contact. There is insufficient evidence to either prove or disprove that the officer's comments and/or behavior were inappropriate.

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

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

FINDINGS OF FACT: The complainant stated that the officer circled the wrong day on the citation. The officer admitted that he did circle the wrong day on the citation. The officer stated that he did place the correct date on the citation and that the citation process was not effected by the circling of the wrong day. The officer's error does not rise to a level of sustainable misconduct. The error did not effect the legal process as the body of the citation is correct. There is insufficient evidence to either prove or disprove that the officer neglected his duty.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/04/11 **DATE OF COMPLETION:** 05/17/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to cooperate with the OCC investigation. The complainant did not return numerous contact attempts by OCC requesting that complainant provide an interview about the underlying incident.

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

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

FINDINGS OF FACT: The complainant failed to cooperate with the OCC investigation. The complainant did not return numerous contact attempts by OCC requesting that complainant provide an interview about the underlying incident.

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DATE OF COMPLAINT: 11/08/11 **DATE OF COMPLETION:** 05/24/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant and her cousin, the co-complainant, stated that neighbors entered the co-complainant's home, assaulted her and her sister and vandalized their home. The co-complainant called the police. The co-complainant told the named officer what happened and signed citizen's arrest cards for the women who assaulted her and vandalized her home. The named officer told the co-complainant that she was going to arrest these women, who had gone to the police station. However, these women were not arrested. Soon after officers left, relatives of the individuals who had assaulted the co-complainant and her sister broke the co-complainant's car windows, vandalized their home and threw objects at them. The co-complainant called police and the named officer responded along with numerous other officers. The named officer spoke to one of the women who had vandalized the co-complainant's car along with several of that women's relatives. The named officer did not speak to the co-complainant, her sister or others who would have supported the co-complainant's version of what happened.

The named officer stated that she when she initially responded to the co-complainant's home, she interviewed the co-complainant and her sister about an alleged assault, fight and vandalism of their home. The co-complainant told the named officer she exchanged negative statements with a neighbor on a social networking website and challenged the neighbor to confront her at her home. This neighbor and her mother came to her home and broke her windows and assaulted her. The co-complainant and her sister then beat up these two women. A crowd formed. The co-complainant's sister told the named officer that members of the crowd attempted to enter her home and she sprayed them with mace. The named officer stated that she photographed their injuries and the damage to their home and seized an item allegedly used to break their windows. The named officer learned that there were several women at the police station reporting a fight at the complainant's residence who she believed might be the other parties involved in the incident. The named officer had the co-complainant sign a blank citizen's arrest form pending further identification of the women at the station. The named officer stated that she responded to the police station and took statements from four women who claimed that the co-complainant and her sister assaulted one of them. The named officer did not indicate whether she questioned the women at the police station about the injuries sustained by the co-complainant and her sister or about the damage to their home. The named officer stated that she did not arrest any of the women who came to the police station because it appeared there were two very divergent stories regarding assault and further investigation and a search for independent witnesses was needed. The named officer stated that she conferred with a sergeant who concurred that further investigation was needed. The sergeant confirmed speaking with the named officer and stated that there were not enough corroboration from independent

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witnesses to justify an arrest. The named officer's partner stated that there was a large crowd at the scene which he and other officers dealt with while the named officer conducted her investigation. He stated that numerous people contacted him about the fight between the co-complainant and her neighbors but none would provide a statement or identify themselves.

The named officer stated that when she responded to the home of the co-complainant the second time that evening, there was a large crowd in the street that appeared to be divided into two factions. The named officer approached the co-complainant, who stated that unidentified individuals vandalized her sister's car but refused to answer any questions. The named officer stated that other individuals whom she approached at the scene refused to speak with her. The named officer's partner stated that he heard the co-complainant tell the named officer that a bunch of people vandalized her car. He then saw the co-complainant and her sister rush towards a group of people but were held back by officers and others in the crowd. The named officer's partner stated that he warned the co-complainant to calm down or he would arrest her for inciting a riot. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer arrested the co-complainant and her sister without cause.

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

FINDINGS OF FACT: The complainant and her cousin, the co-complainant, stated that a neighbor assaulted the co-complainant and another resident of the home and vandalized their house. The co-complainant called police and the named officer responded and conducted an investigation. After the named officer and other officers left, the co-complainant's neighbors also vandalized the car. Police responded and the named officer arrested the co-complainant and her sister for assault, wrongfully claiming they threw bleach on one of their neighbors. The co-complainant's sister confirmed the account provided by the complainant and co-complainant and denied that she or the co-complainant threw bleach at anyone. She stated that a teenaged girl who lives with the individuals they fought with attempted to throw bleach at her but spilled it on herself and on the woman who claimed to have been assaulted with bleach.

The named officer stated that when she responded to the home of the co-complainant the second time that evening, there was a large crowd in the street that appeared to be divided into two factions. The named

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officer approached the co-complainant, who stated that unidentified individuals vandalized her sister's car but refused to answer any questions. One of the co-complainant's neighbors told the named officer that the co-complainant and her sister had come to her home and thrown bleach on her. The named officer seized this woman's bleach-soaked clothing as evidence. This woman's sister confirmed seeing two women throw bleach on her. The named officer saw the co-complainant's sister, accompanied by a crowd of people, walking towards this neighbor's home. The named officer detained the co-complainant and her sister. The named officer went to the home of the co-complainant, found the door open and entered out of concern for two young children who she knew had been inside earlier that evening, The named officer saw two open bleach containers, one of them empty, in the kitchen, along with a plastic glass matching the description provided by the woman who had bleach thrown at her. The named officer then arrested the co-complainant and her sister. The evidence proved that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The co-complainant stated that in the officer's incident report, the named officer falsely claimed to have seen the co-complainant walking away from the home of the neighbor who claimed the co-complainant threw bleach at her. The incident report does not contain such a statement. The evidence proved that the acts alleged in the complaint did not occur.

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DATE OF COMPLAINT: 11/23/11 **DATE OF COMPLETION:** 05/10/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments during the contact. The officer denied the allegation. The person who reported the incident stated that the officer was professional, firm and authoritative. No other independent witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer kicked him in the face while he was on the ground. The officer denied the allegation. The person who reported the incident stated that the officer made no physical contact with the complainant other than placing the complainant in handcuffs. No other independent witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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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 the off duty officer and his fiancé were passengers in his taxicab. The complainant stopped the cab when the couple began eating pizza in his cab after they were asked not to do so. The complainant stated when he picked up the fallen pizza and accidentally dropped some on the officer's fiancé, the officer allegedly struck the complainant temple, breaking his glasses. The officer unsuccessfully attempted to hit the complainant again and take him to the ground.

Photos of the complainant taken by police at the scene do not depict any visible injuries.

The officer's fiancé stated the complainant made no attempt to pick up the pizza. Instead, he angrily grabbed her and tried to pull her out of the cab. She stated the officer pulled the complainant away from her, pushed the complainant towards the sidewalk and told him to wait by a gate. She stated the officer never struck or punched the complainant or tried to take complainant to the ground. She did not know how the complainant's eyeglasses broke.

The officer stated the complainant grabbed his fiancé and tried to pull her out of the cab. The officer pulled the complainant away from her. The complainant then "charged" the officer by putting his head and putting his hands around the officer's waist. His eyeglasses dropped to the ground. The officer stated he then pushed the complainant onto the sidewalk. The officer denied ever hitting or punching the complainant, or trying to take the complainant to the ground.

There were no other witnesses and no additional evidence to further prove or disprove the allegations.

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SUMMARY OF ALLEGATION #2: The officer misused police authority.

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

FINDINGS OF FACT: The complainant is a cabdriver. He stated he picked up a couple who had a pizza with them. The complainant stated that the couple began eating the pizza inside the cab against the complainant's request that they not eat in the cab. He stated he stopped the cab when the couple dropped pizza on the floor. He stated when he picked up the dropped pizza, he accidentally spilled some on the female passenger. The male passenger then struck the complainant, breaking his eyeglasses. The complainant told the male passenger he was going to call the police. The male passenger replied, "I am the police." Both parties then called the police.

The officer stated he was off duty and with his fiancé when they hailed the complainant's taxicab. They had a pizza and the officer's fiancé accidentally dropped some pizza on the floorboard. The complainant stopped the cab and angrily tried to pull the officer's fiancé from the cab. The officer pulled the complainant away from his fiancé and identified himself as a police officer. He denied hitting the complainant. Both parties called the police. The officer's fiancé confirmed the officer's version of events.

The officer identified himself as a police officer when he observed what he believed was an assault on his fiancé. His fiancé stated she was assaulted. The officer did not physically restrain the complainant and immediately called for police assistance. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer was intoxicated and carrying a weapon while off duty.

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

FINDINGS OF FACT: The officer denied being intoxicated. He further denied carrying a weapon. Several officers who had contact with the officer documented that the officer was intoxicated. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant entrusted a stranger to deliver a computer to him in another country. The stranger stole the computer. The complainant alleged the officers failed to properly investigate the theft of the computer. The officers stated the theft did not meet the criteria for assignment to an investigator in the Financial Crimes Unit, which receives nearly 5,000 cases annually. The Unit gives priority to cases that involve the elderly, people in custody and known suspects. Despite that fact, one of the named officers conducted an informal investigation and located the complainant's computer. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: 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 April 26, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/01/11 **DATE OF COMPLETION:** 05/18/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that an officer said, "I know too much about you" and also asked, "How much equity do you have in your house?" She further stated another officer said he was going to report her to the IRS.

A witness stated he was a tenant of the complainant. He stated the complainant called the police so many times between October 2011 and January 2012 that he couldn't recall this specific incident. He stated the complainant is mentally unstable. He stated that each time the police came, they separated him and the complainant, so he didn't know what the officers said to the complainant.

Both officers denied making inappropriate comments. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated an officer pushed her to the ground and closed the door when she tried to follow the officer and her tenants.

The officer stated when he attempted to meet with the complainant's tenants, the complainant grabbed the officer's forearm with enough pressure to cause a bruise. When the officer pulled his arm away, the complainant lost her balance and sat to the ground.

The complainant's tenant stated that he did not specifically recall this incident but stated he never saw any police officer push the complainant. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was being transported to the hospital in an ambulance following a physical altercation. The complainant was extremely upset and was screaming and attempting to prevent the paramedic from treating him. The complainant stated that the officer struck him in the leg with his fist or club. The officer stated the complainant, who was in a combative and agitated state, struck the paramedic inside the ambulance. The named officer then struck the complainant twice in the leg with his fist in order to distract the complainant's attention from the paramedic so he could grab and handcuff the complainant's free hand. The paramedic stated the complainant punched him as he was attempting to do an assessment, but that he did not remember the officer striking the complainant. The paramedic also stated the complainant repeatedly demanded treatment, then refused it and was screaming obscenities in an angry manner, causing the paramedic to classify the complainant as a behavioral psychiatric crisis. Department records indicate that the complainant was detained for a psychiatric evaluation at the hospital. The evidence established that under the circumstances, the officer's use of force was justified. The evidence proved that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments to him while accompanying him to the hospital in an ambulance. The officer denied the allegation. The paramedic who was assessing the complainant stated the named officer did not make the comments attributed to him by the complainant. The paramedic also stated the complainant repeatedly demanded treatment then refused it, and was screaming obscenities in an angry manner, causing the paramedic to classify the complainant as a behavioral psychiatric crisis. Department records indicate that the complainant was detained for a psychiatric evaluation at the hospital. A preponderance of the evidence proved that the named officer did not make the inappropriate comments. The evidence proved that the acts alleged in the complaint did not occur.

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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 the officer failed to return his identification. The complainant stated his identification was taken from him in the back of an ambulance while he was being transported to the hospital, and the named officer and the paramedic questioned him about it. It was subsequently mailed to him in an envelope with no return address. The named officer denied ever having possession of the complainant's identification and stated he never saw the paramedic in possession of it either. He stated that he thinks his partner had possession of the complainant's identification at one point. The named officer's partner stated he briefly had possession of the complainant's identification before the complainant was transported to the hospital, then placed it with the complainant's belongings. The paramedic stated that, while transporting the complainant to the hospital, he had the complainant's driver's license while typing the complainant's name into his computer, then returned it to the named officer. He thinks the named officer may have given the complainant's identification to the clerk at the Emergency Room. 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 behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that she received 16-20 phone calls from a blocked number. The complainant stated that when she finally answered, she was confronted by a male voice yelling at her. Although the caller never revealed his identity, the complainant believed it was an officer because the complainant's ex has a good friend on the police force and the caller seemed to know personal information about the complainant. She further stated that she has an application on her phone that identifies blocked phone numbers and that these phone calls traced back to the SFPD. The officer acknowledged that the complainant is his friend's ex-girlfriend but he denied the allegation, stating that he has never called the complainant. Furthermore, personnel scheduling shows that the officer was not on duty on the day of the incident. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 April 25, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers ejected the complainant from the ballpark without cause.

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

FINDINGS OF FACT: The complainant stated he was in the Stadium Club at the ballpark attempting to order a drink when another customer accused him of cutting the line. They exchanged words including profanity. The complainant stated he was waiting for his drink when two officers told him he was being ejected. Both officers stated the complainant displayed several objective signs of intoxication and was ejected for being drunk in public. One officer stated he and his partner were dispatched to a disturbance inside a clubroom in the park and an usher asked that the complainant be removed from the premises. This officer documented the incident on a field arrest card. This card stated the complainant was arguing with ballpark staff, was asked to leave and refused to do so. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated the officers did not provide identification upon request. One officer stated he could not recall whether the complainant asked for identification. This officer stated he was in full uniform with both his nametag and badge clearly visible. The second officer stated the complainant did not ask for identification. This officer also stated he was in full uniform with his badge and nametag clearly visible. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer used force during the complainant's detention.

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/21/11 **DATE OF COMPLETION:** 05/31/12 **PAGE#** 2 of 2

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/12 **DATE OF COMPLETION:** 05/14/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was walking on a public street on New Year's Eve when officers detained the complainant for alleged public intoxication. The complainant stated she was detained at a location over 6 blocks away from where the officers stated she was detained. The complainant admitted she had two alcoholic beverages several hours earlier. The officers denied the allegation, stating the complainant demonstrated an inability to care for herself and acted like she was intoxicated. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3 & 4: The complainant alleged the officers made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant said the officers made inappropriate comments to her at the scene and continued to act in an inappropriate manner while in their custody until she was brought to County Jail #1. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 01/03/12 **DATE OF COMPLETION:** 05/14/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant said the detaining officer used profanity when getting her attention to detain her and continuously used profanity at the scene and in the patrol car during her ride to County Jail #1. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer failed to properly identify himself.

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

FINDINGS OF FACT: The complainant said the detaining officer failed to provide his name and star number upon request. The complainant further stated that when the officer brought her to County Jail #1, she asked for the officer's identification again. At that time, the complainant alleged the officer provided the complainant with a false star number the OCC determined to belong to another officer. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/12 **DATE OF COMPLETION:** 05/14/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that an officer slammed handcuffs onto her and pulled her right arm very hard as he handcuffed her. The officers denied the allegation. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/12 **DATE OF COMPLETION:** 05/17/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer had no probable cause to arrest her. The officer denied the allegation. He stated he was part of an arrest team that had an area under surveillance. Information was relayed to him from other members of this team that the complainant was involved in a narcotics transaction along with a physical description of the complainant. The officer then placed the complainant into custody. The witness did not provide a complete account of the arrest. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated officers engaged in a pattern of harassing behavior. Two of the officers were part of an arrest team, the other part of a surveillance team taking part in law enforcement activity. All officers were in the area where the complainant was arrested. They stated the complainant was involved in a hand to hand narcotic purchase and fit the physical description conveyed via radio. The officers denied the allegation, stating that their activities were part of legitimate law enforcement activity and not part of a pattern of harassing behavior. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/12 **DATE OF COMPLETION:** 05/17/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer had the complainant strip searched without cause.

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

FINDINGS OF FACT: The complainant stated she was strip searched without probable cause. He stated the transporting officer observed the complainant fidgeting in the back of the patrol car. Based on the officer's training and experience, he suspected the complainant could be secreting narcotics under her clothes so he advised a sergeant. The named officer advised his supervisor of the transporting officers observations and in conjunction with cause of the arrest the supervisor authorized the strip search.

Pursuant to Department policies, the officer then directed two female officers to perform the strip search. No available witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #5-8: The officers made inappropriate remarks/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated officers made inappropriate remarks and acted inappropriately toward her. She said officers looked at her phones, and improperly spoke to her about her arrest while she was in custody. The officers denied the allegation. No available witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/12 **DATE OF COMPLETION:** 05/23/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was arrested for being intoxicated in public and for resisting arrest. The complainant acknowledged being intoxicated in public. She also acknowledged failing to obey the officer's orders to stay behind a barricaded area. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated she defied officer orders and walked past a police barrier. She stated an officer pulled her by the head and took her to the ground. She stated it was possible that she threatened to kill the officer. When she put her hands up to her face, the officer punched her in the face. The complainant stated that at the jail, she would not sit still for her mug shot and gave the officer "attitude." The officer punched her again in the face. The complainant provided photos of herself with a black eye and a split lip. The officer stated she conducted a department-approved hair pull takedown on the complainant when the complainant ran past a barricaded area and refused orders to stop. The officer stated that while on the ground, the complainant threatened to kill the officer. The officer stated that when the complainant sat up, she put both hands up with her fists closed in a threatening manner. The officer stated she believed the complainant was going to strike her so she struck the complainant's jaw with a closed fist to distract her. The officer's partner stated he witnessed this and stated it appeared that the complainant was going to strike the officer. The officer stated that at the jail, the complainant punched her shoulder with a closed fist. The officer responded by striking the complainant's jaw with a closed fist. One witness officer stated he saw the complainant place her hand on the officer's arm. A second witness officer stated he saw the complainant hit the officer's arm with her hand. A sheriff's deputy stated she was getting ready to take the complainant's photo when the complainant turned and swung at the officer, striking the officer's jaw. The complainant officer batted the complainant's arm away and hit the complainant's face area. The witness statements were inconsistent. Video taken at the county jail does not show the interior of the mug shot room. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/12 **DATE OF COMPLETION:** 05/04/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer indirectly issued a message to him in order to deter him from appearing at certain locations within the police district, which he considered a death threat. The officer denied the allegation. There was neither any supporting evidence to substantiate or deny the allegation. Therefore, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The San Francisco Police Department is conducting biased policing due to race.

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

FINDINGS OF FACT: There was neither any supporting evidence to substantiate or deny the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/12 **DATE OF COMPLETION:** 05/07/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer showed up on the scene of this incident and watched while other officers beat him down, poked things in his mouth and choked him. The complainant said, however, the named officer did not participate in the actions of the other officers. By the complainant's estimate, fifty to sixty civilians were present and saw this incident. The named officer, who was not part of the team that led to the complainant's arrest, stated that when he arrived at the request for back-up, he saw a large hostile crowd forming and bottles were thrown at the arresting officers. The officer also saw the complainant was already handcuffed and lying on his side, on the ground. However, the complainant further resisted arrest by twisting and turning his body and moving his head around. The complainant appeared to be chewing something, which was later determined to be money, because his jaws were moving. Officers told the complainant to stop resisting and spit something out of his mouth, which the complainant refused to do. The officer stated he saw one of the arresting officers apply pressure to the complainant's mastoid, which is a Department-approved compliance technique, in order to get the complainant to spit out whatever was inside his mouth. Because of the hostile crowd, the named officer requested additional back-up assistance and took other measures to defuse the incident. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/12 **DATE OF COMPLETION:** 05/22/12 **PAGE #** 1 of 1

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 that the officers did not cite the suspects and only talked to them and let them go. The officers stated they spoke to a couple of men who fit the description of the suspects but could not ascertain they were the suspects because they had no evidence. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/12 **DATE OF COMPLETION:** 05/31/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 21, 2012.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 21, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/12 **DATE OF COMPLETION:** 05/10/12 **PAGE #1 of 1**

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/12 **DATE OF COMPLETION:** 05/21/12 **PAGE#**1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer used force during a detention.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/12 **DATE OF COMPLETION:** 05/14/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer in uniform rushed him, pointed a finger at him, and yelled inappropriate remarks. The officer was not on duty on the date in question. Witnesses did not recall the occurrence. The evidence proves that the acts alleged in this complaint did not occur, or that the named member was not involved in the acts alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/30/12 **DATE OF COMPLETION:** 05/18/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer conducted a biased policing due to race.

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

FINDINGS OF FACT: The complainant alleged the officer stopped him due to his race. The officer and his partner denied the allegation and stated they stopped the complainant for running several stop signs and they could not see the complainant until they approached his vehicle. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer got upset, yelled at him, behaved unnecessarily in a controlling manner and threatened him. The officer and his partner stated the complainant was upset, argumentative, and made unfounded conclusions simply because the officer asked where he was going. The officer and his partner were questioned relative to the OCC's biased policing protocol and denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/30/12 **DATE OF COMPLETION:** 05/18/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3 & 4: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The officers stated they provided their names and star numbers upon request from the complainant. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/30/12 **DATE OF COMPLETION:** 05/29/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was riding a Muni bus when officers pulled over the bus, had all bus riders exit the bus and stand near a wall. The officers searched the bus and then let all persons leave. The complainant stated that this contact lasted approximately two minutes. Department records show that officers responded to a call of a man with a gun. Officers located the reporting party and obtained identifying information regarding the suspect with the gun. This information included a physical description of the man, his clothing, his companions and that the suspect and his three companions boarded a Muni bus headed in a specific direction. Officers stopped the identified Muni bus, observed the four persons who matched the provided description, had all persons exit the bus so the bus could be searched as well as searching the suspects. The reporting parties were brought to the scene for a cold show and identified the person with the gun. No gun was ever located by the officers who then issued the suspects 849B Certificates of Release. The evidence showed that the officers acted in a professional and lawful manner when they briefly stopped the identified bus to locate identified suspects to an "A" priority call of a person with a gun. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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DATE OF COMPLAINT: 02/07/12 **DATE OF COMPLETION:** 05/14/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take required action pursuant to Department General Order #2.01

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

FINDINGS OF FACT: The complainant acknowledged leaving the scene before giving a formal statement to the officer. She stated that four days later, she saw the officer and he told her a report had not been completed because she left the scene and the investigation was continuing. The officer stated a report was not prepared because the complainant left the scene before the investigation was completed. The officer further stated the complainant's allegation of assault conflicted with surveillance video. He stated that four days later, while questioning the complainant, she became angry and demanded that another officer take the report. Another officer took the report. Department records document that the complainant's report was taken by another officer. In her OCC interview, the complainant failed to state that another officer took her report. There were no witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/06/12 **DATE OF COMPLETION:** 05/02/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant called 911 five times in one day for the same noise complaint against her neighbor in an adjoining apartment. She stated one of the officers who responded used profanity, yelled at her, told her she was crazy and told her she would be arrested if she called 911 again. One witness stated the officer did not use profanity and did not tell her she was crazy. He stated the officer did raise his voice but did not say anything inappropriate to her. This witness further stated that the officer told the complainant she would be arrested if she continued to call 911. A second witness stated the officer did not raise his voice, did not use profanity, did not call the complainant “crazy” and did not threaten her with arrest.

The officer stated that, while talking with the complainant, the complainant talked over him and interrupted him. He stated he raised his voice and told her they could not both talk at the same time. The officer told the complainant that her neighbor said she was crazy and she was making up stories about the noise complaints. He also told the complainant her neighbor was tired of her calling the police for no reason. The officer stated he wrote the police non-emergency telephone on a piece of paper and advised the complainant to call the non-emergency number for non-emergency calls. The complainant grabbed the paper and said, “I don’t care, I will call 911 all the time.” The officer stated he advised the complainant that if she abuses 911 she would get arrested. He denied using profanity. California Penal Code section 653x states that, “Any person who telephones the 911 emergency line with the intent to annoy or harass another person is guilty of a misdemeanor punishable by a fine not more than one thousand dollars or by imprisonment in a county jail.” It further states that an intent to annoy or harass is established by proof of repeated calls over a period of time, however short, that are unreasonable under the circumstances.

According to Computer-Aided Dispatch (CAD) records, the complainant called 911 five times in less than eight hours for the same noise complaint. Her last call to 911 was disregarded. Based on additional statements made by the complainant, the officer and the witnesses, the noises that the complainant heard were more likely than not imaginary. The officer’s conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/12 **DATE OF COMPLETION:** 05/09/12 **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 detained for speeding at the airport. He stated he was driving his taxi at the posted speed limit. The officer stated the complainant appeared to be driving faster than the posted speed limit. He advised the complainant to slow down. A passenger in the complainant's taxi stated she didn't think the complainant was going "extraordinarily" fast but added that she didn't know at what speed he was driving and didn't know the speed limit. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that when he told the officer he wasn't speeding the officer told him to shut up. A passenger in the complainant's taxi stated the officer did not tell the complainant to shut up. The officer stated he did not tell the complainant to shut up. Based upon a preponderance of evidence, the allegation is unfounded.

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DATE OF COMPLAINT: 02/07/12 **DATE OF COMPLETION:** 05/09/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer might have stopped him because he was black but he could not articulate why he believed this. He further stated that police have him under surveillance and that two taxi companies have refused to hire him because the police told them not to. He stated he did not know why police are after him. A passenger in the complainant's taxi stated the complainant got mad at the officer and "made [the detention] into a much bigger issue." The complainant told the officer, "Why are you guys always trying to discriminate against me? I feel like there's a conspiracy." The officer replied, "I'm just telling you to slow it down. That's all I'm telling you." The officer went back to his patrol car and the complainant exited the cab and followed the officer, arguing with him. The passenger stated the complainant returned to the cab and told her, "You need to be a witness for me because I feel like I'm being targeted and I want to put a complaint in." Then the officer came to the cab and asked the passenger for her contact information. The officer said to the complainant, "All I was telling you was slow down. You're making it into a bigger thing. And I never said you were a terrorist." The complainant told his passenger, "I went over to the officer because I think that they are targeting me because they think I'm a terrorist." The officer was questioned relative to the OCC's biased policing protocol and denied engaging in biased policing. He stated the complainant told him he was under surveillance by the Federal Government and the SFPD. The complainant then began getting louder, stating, "I am not a terrorist." He repeated this numerous times. His behavior was unusual and he appeared to be very paranoid. The officer stated he asked the complainant to slow down and returned to his patrol car. The complainant stepped out of his cab and walked to the patrol car and asked for the officer's name and star number, which was provided. The officer stated that he did not know the complainant's race before detaining him and stated that race was not a factor in his detention. Based on a preponderance of evidence, the allegation is unfounded.

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DATE OF COMPLAINT: 02/08/12 **DATE OF COMPLETION:** 05/31/12 **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 May 11, 2012.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 11, 2012.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/17/12 **DATE OF COMPLETION:** 05/15/12 **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 May 7, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/17/12 **DATE OF COMPLETION:** 05/18/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer assaulted him after he had stopped at an intersection that was blocked for a motorcade that was approaching. The officer denied the allegation. There were no witnesses identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer used profane language and told him to shut up when he asked for the officer's star number. The officer denied the allegation. There were no witnesses identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/17/12 **DATE OF COMPLETION:** 05/18/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said he repeatedly asked the officer for his star number and was told to shut up and leave. The officer denied the allegation. There were no witnesses identified. 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: 02/21/12 **DATE OF COMPLETION:** 05/25/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer acted in an intimidating manner.

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

FINDINGS OF FACT: The complainant stated that he operates a fully permitted party bus and that officers questioned the validity of his permits. He stated that the named officer took an intimidating stance and spoke in an intimidating manner during this questioning. The officer stated that at no point did she take any sort of threatening stance during her encounter with the complainant, nor did she attempt to intimidate the complainant. There were no independent witnesses to the encounter. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that he operates a fully permitted party bus and that officers questioned the validity of his permits. During the questioning, the named officer made fun of the complainant by repeating his words in a mocking tone and inferring that he was lying about his permits. The officer stated that she once repeated what the complainant said but she was not mocking the complainant, merely repeating him. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/12 **DATE OF COMPLETION:** 05/25/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he operates a fully permitted party bus and that officers questioned the validity of his permits. The complainant stated he had all the correct paperwork but admitted that his registration was not current and that he had yet to display a required decal on his vehicle. The officer stated that she was asking to see the required paperwork for the bus to operate legally. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/12 **DATE OF COMPLETION:** 05/14/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to promptly respond to the scene.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/12 **DATE OF COMPLETION:** 05/22/12 **PAGE #1** of 2

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 during an arrest search, a tissue fell out of his pocket and an unknown object fell to the ground. The complainant stated he backed up so as not to step on it. An officer grabbed the complainant's collar and pushed the complainant against a utility box. The officer then punched the complainant's left eye with a closed fist. The complainant stated he was handcuffed at the time. The complainant had no visible injuries.

A witness officer stated he searched the complainant and found some crumpled tissue in his pockets. When he began unwrapping the tissue, two pills fell on the ground. When the officer bent down to pick up the pills, the complainant stomped one of the pills with his foot. The officer stated he pushed the complainant away so he couldn't step on the other pill. He scraped up the pills and when he looked up, the complainant was complaining that the named officer hit him while he was handcuffed. The named officer told the witness officer that the complainant was being belligerent and he had pushed the complainant's face with an open hand. The witness officer stated he asked the complainant if he was in pain or injured, and the complainant said he was not. The witness officer made an entry in the use of force log stating the named officer utilized an open palm strike to the left side of the complainant's face.

The named officer stated some pills fell from the complainant's pocket and the complainant stomped on one of the pills. The witness officer pushed the complainant away so he couldn't stomp on the other pills. The complainant stepped into the street. The named officer stated he had a loose hold on the complainant and the complainant "jogged" into the street and got away from the officer. The complainant stopped and suddenly turned on the officer. The officer stated he believed the complainant was going to head butt him or kick him. The officer stated as a distraction, he struck the left side of the complainant's face with an open palm strike. He was then able to take the complainant back into custody. The officer reported the use of force to his supervisor. He stated the complainant never complained of pain, had no visible injuries and did not request medical attention at any time.

A third officer stated he was about fifty feet away from the complainant and did not observe the complainant's arrest but he did hear the complainant arguing with the officers. After the complainant was arrested, he told this officer that it wasn't right that the named officer had hit him. The officer stated he asked the complainant if he needed medical attention, and the complainant said he did not.

There were no other witnesses and no additional evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/12 **DATE OF COMPLETION:** 05/22/12 **PAGE #2** of 2

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 when he asked the officer why he punched him, the officer, "I can do whatever the fuck I want to do."

The officer denied making this comment. An officer who was nearby stated he did not hear the officer make this comment. An officer who was about fifty feet away stated he heard the complainant and the named officer arguing, but did not hear what was said.

There were no available witnesses and no additional evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer failed to provide medical attention upon request.

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

FINDINGS OF FACT: The complainant stated he complained he was injured to an officer at the station but was ignored. The complainant stated he had no visible injuries. He stated that, at the county jail, the nurse told him he didn't have any injuries.

The assigned Station Keeper at the station stated he had contact with the complainant, and he did not make a complaint of pain and did not ask for medical attention.

A witness officer stated he had contact with the complainant at the booking area of the station and he did not hear the complainant ask for medical attention.

The arresting officers stated the complainant never complained of pain, had no visible injuries and did not request medical attention at any time.

The complainant's booking photo showed no visible injuries. The complainant's jail medical records stated the complainant "has had no recent injury or trauma." The complainant signed a medical screening card stating he was not in need of immediate medical attention.

The evidence proved that the act, which provided the basis for the allegations, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/12 **DATE OF COMPLETION:** 05/31/12 **PAGE#**1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 22, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/1/12 **DATE OF COMPLETION:** 05/24/12 **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 May 7, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/12 **DATE OF COMPLETION:** 05/24/12 **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 May 11, 2012.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 11, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/12 **DATE OF COMPLETION:** 05/22/12 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Internal Affairs
850 Bryant Street, Room 558
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/12 **DATE OF COMPLETION:** 05/31/12 **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 May 22, 2012.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 22, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/12 **DATE OF COMPLETION:** 05/15/12 **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 May 7, 2012.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 7, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/12 **DATE OF COMPLETION:** 05/03/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION # 1: The officer used uncivil language.

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

FINDINGS OF FACT: The complainant alleged the officer told him to shut up and wait at the intersection until he is told otherwise. The officer denied any verbal exchange with any motorist during his motorcade escort on the night in question. There were no witnesses identified or evidence so there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used excessive force during an incident.

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

FINDINGS OF FACT: The complainant alleged the officer assaulted him by grabbing the complainant by the throat. The officer denied the allegation. There were no witnesses identified so there is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/12 **DATE OF COMPLETION:** 05/03/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said he repeatedly asked the officer for his star number and was told to shut up and wait. The officer denied the allegation. There were no other witnesses or evidence so 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: 03/13/12 **DATE OF COMPLETION:** 05/25/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that an officer's behavior and comments were inappropriate including that the officer improperly drove a department vehicle. The complainant provided a vehicle number and a general description of the officer. Department records showed that the vehicle was assigned to a district other than the district where the incident occurred. Vehicle sign out sheets did not show the identified vehicle driven during the time or on the date that the complainant stated the incident occurred. A captain's identification poll was returned stating that the identified vehicle is used as a supervisor's vehicle only and no officer matched the description provided by the officer. OCC checked the supervisors profiles assigned to the district at the time this incident occurred and no supervisor matched or came close to the description provided by 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: 03/18/12 **DATE OF COMPLETION:** 05/24/12 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers 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 May 14, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/12 **DATE OF COMPLETION:** 05/31/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was at the Hall of Justice registering as a sex offender, when he was arrested for an outstanding warrant. The complainant denied that he had any outstanding warrants. According to the incident report, two officers responded to a call from the ID Bureau and walked the complainant to Southern Station. The officers called the Warrant Bureau and confirmed that the complainant had an outstanding felony warrant out of Redding, CA as well as an infraction warrant out of San Francisco County. The complainant was subsequently booked for the outstanding warrants. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/12 **DATE OF COMPLETION:** 05/31/12 **PAGE#** 1 of 1

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 May 14, 2012.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 14, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/12 **DATE OF COMPLETION:** 05/03/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer changed lanes and nearly collided with her bicycle while passing her. Section 21056 of the California Vehicle Code does not relieve officers driving an emergency vehicle from the duty to drive with due regard for the safety of all persons using the roadways, nor protect them from the consequences of an arbitrary exercise of the privileges granted to police officers. The officer denied the allegation even though he could not recall the incident. A witness in the vehicle with the officer could not verify or deny the allegation. The complainant could not locate a witness who said to be a witness to the incident. There were no other known witnesses; there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/12 **DATE OF COMPLETION:** 05/14/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that on three occasions in the span of two weeks, he observed the same marked San Francisco patrol car at a certain location speeding and recklessly passing other vehicles. The patrol car never had its lights or sirens activated.

The complainant's wife stated she observed the same marked patrol car traveling 60-65 MPH on three occasions.

The officer acknowledged being on duty and driving a marked patrol car at the indicated location on the subject dates. He denied exceeding the posted speed limits and denied passing any vehicles in an unsafe manner.

There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/12 **DATE OF COMPLETION:** 05/09/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The co-complainants stated that the officer's comments were unprofessional, inappropriate and made them feel uncomfortable. The officer denied that allegation and denied making specific comments as alleged. The officer admitted that he made two of the alleged comments. He stated that he made the comments in an attempt to show empathy and to divert the victim's emotions from the trauma so that the investigation could be completed. Furthermore, the officer stated that the victim responded to each of his comments in an affirmative manner and that at no time did anyone object to the comments. A witness stated that he heard an officer make an unknown comment but in his opinion the officer was trying to lift the spirits of the victim/complainant with the unknown comment. The witness did not feel that the comment was inappropriate. There were no independent witnesses who came forward during the investigation. 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: 04/12/12 **DATE OF COMPLETION:** 05/01/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complaint raises matters outside OCC's jurisdiction. Rancho Cordova P.D contracted the Sacramento Sheriff's Department to conduct its internal affairs investigations. This complaint will therefore be forwarded to:

Sacramento Sheriff's Department
Internal Affairs Division
711 G Street, Room 306
Sacramento, CA 95814
(916) 874-5007

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/12 **DATE OF COMPLETION:** 05/02/12 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/12 **DATE OF COMPLETION:** 05/02/12 **PAGE #**1 of 1

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/12 **DATE OF COMPLETION:** 05/02/12 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/12 **DATE OF COMPLETION:** 05/21/12 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Internal Affairs
850 Bryant Street, Room 558
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/12 **DATE OF COMPLETION:** 05/21/12 **PAGE #1** of 1

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

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

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

The State Bar of California
Office of the Chief Trial Counsel, Intake Unit
1149 S. Hill Street
Los Angeles, CA 90015-2299

The Law Offices of Arnold Laub
807 Montgomery Street
San Francisco, CA 94133

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/12 **DATE OF COMPLETION:** 05/17/12 **PAGE #1** of 2

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA
94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/12 **DATE OF COMPLETION:** 05/17/12 **PAGE #2** of 2

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/12 **DATE OF COMPLETION:** 05/21/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she called 911 to complain about her neighbors who were bothering her. Department communication records show that the complainant called several times and that communications believed she might be mentally disturbed. Department records show that the officers responded two times to the complainants 415 – “C” priority noise complaint, that the complainant’s neighbors were playing a “gong” in their apartment. The records show that officers did respond to the scene and met with the complainant. The evidence showed that the officers acted appropriately and properly when responding to a noise complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/12 **DATE OF COMPLETION:** 05/21/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: During her OCC interview, the complainant stated that SFPD officers installed surveillance into her TV set and are broadcasting it to various news outlets. She further stated that officers go door-to-door spreading lies about her. 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: 05/17/11 **DATE OF COMPLETION:** 05/15/12 **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 stated the officers arrested him without cause. The officer with the approval of the sergeant arrested the complainant for littering on the sidewalk. The complainant admitted to littering on the sidewalk because he was angry that he was detained. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer used excessive force. The officer stated he did use force on the complainant due to the complainant resisting his attempts to speak to him about a crime, however, the officer stated that the force used was not excessive and in compliance with the Department's policies and procedures. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/11 **DATE OF COMPLETION:** 05/15/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4 - 8: The officers displayed inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers laughed at him while he was at the district station. The officers denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #9 - 12: The officers failed to provide their names and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated he requested names and star numbers of all the officers and they refused to provide their information with the exception of one officer. The officers denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/11 **DATE OF COMPLETION:** 05/15/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #13: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated the officer detained him due to his ethnic background. The officer was questioned relative to the OCC's biased policing protocol and stated he detained the complainant because he matched the description of a robbery suspect in the area. There is no verification that the complainant was the only individual that matched the robbery suspect's description. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/11 **DATE OF COMPLETION:** 05/02/12 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officers caused damage to her door. The officers stated that they had to force entry due to the complainant's refusal to open the door after many attempts to get her to cooperate. The complainant admitted that she did not open the door. The incident report documents that an officer breached the door with a battering ram. The evidence proved that the act, which provided the basis for the allegations, occurred; however, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2 - 5: The officers entered the complainant's residence without a warrant.

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

FINDINGS OF FACT: The complainant stated the officers entered her home without a warrant. The officers stated they observed suspicious behavior from the complainant's son and believed he was involved in criminal activity. The officers then obtained information that the complainant's son had an outstanding warrant. The officers had probable cause to make an entry after the warrant was confirmed prior to breaching the door. 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 ALLEGATIONS #6 - 9: The officers detained the residents at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated officers came in with drawn weapons and detained everyone. The officers stated that it is not uncommon to have drawn weapons for this type of call for officer safety when making a forced entry and protective sweep. The officers performed their duty regarding detention and drawn weapons per DGO 5.03 and DGO 5.02. 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 #10: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that during the incident she was told to “Shut-up”. The officers denied the allegation. One witness wrote a statement supporting the complainant’s version, but he did not respond for an interview. The witnesses did not come forward for an interview. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #11 - 14: The officers searched the complainant's son's room without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched her son's room. The officers stated they performed a protective sweep and a search within the immediate reach of the suspect. The officers had the authority to conduct a protective sweep and search within the suspect's immediate reach for officer safety reasons. 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 #15 - 16: The officers arrested the complainants son without cause.

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

FINDINGS OF FACT: The complainant stated her son was arrested for a traffic warrant. The officer stated that the complainant's son was arrested after they confirmed that a warrant was outstanding and valid. 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 ALLEGATIONS #1-2: The officers detained the complainant's daughter without justification.

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

FINDINGS OF FACT: The complainant stated the officers detained her juvenile daughter at a bus stop without justification. The complainant's daughter stated officers followed her from her residence to a bus stop and questioned her about her brother, who was a homicide suspect. The daughter told the officers she was a minor and tried to call her mother. The daughter stated a male officer kept her from using her phone, searched her pockets and allegedly took her keys. The daughter consented to return to her residence with another officer to admit officers to search for the suspect. One officer stated he did not want the complainant talking on the telephone while he spoke to her and stated the daughter gave him her keys. The officers denied a detention took place. They stated the contact was consensual. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer conducted a pat search of her daughter without cause. The complainant stated officers were stationed outside her residence to conduct surveillance. The complainant admitted her family knew her brother was a suspect in a homicide, and had a key to the house. The complainant stated that officers followed her daughter as she left the house then questioned at a bus stop by male officers. The officers sought admission to the complainant's residence to search for her brother. The officers asked the daughter to return to the residence to admit them. The daughter stated she reached for her phone to consult with her mother, but an officer temporarily took the phone away from her. The daughter consented to return to the residence with the officers and agreed to ride with a police officer in a Department vehicle. During the course of the contact, a female officer pat searched the complainant's daughter prior to transport. 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 ALLEGATIONS #4-5: The officers searched the complainant's daughter without cause.

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

FINDINGS OF FACT: The complainant stated the officer conducted a pat search of her daughter without cause. The complainant stated officers were stationed outside her residence to conduct surveillance. The complainant admitted her family knew her brother was a suspect in a homicide, and had a key to the house. The complainant stated that officers followed her daughter as she left the house then questioned at a bus stop by male officers. The officers sought admission to the complainant's residence to search for her brother. The officers asked the daughter to return to the residence to admit them. The daughter stated she reached for her phone to consult with her mother, but an officer temporarily took the phone away from her, stating he did not want her talking on the phone. The daughter further stated a male officer dug in her pockets and removed her keys. The officers denied the allegation, stating the daughter gave them her keys. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated the officer seized two items of personal property out of her house and failed to return them. The officer procured a search warrant for the seizure of the property and specified the two items. Upon seizure of the property items, the officer issued the complainant an itemized receipt. The officer promised to return the items when the SFPD had investigated the specified property. Officers personally returned the two items of property to the complainant on September 15, 2011. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer transported a 17-year-old juvenile female on two separate occasions during her shift. The officer was a veteran officer with the Department. The officer failed to ensure the broadcast of the destination, along with the beginning and ending mileage for the transport of the juvenile female, in violation of Department General Orders 2.01 and 7.01. The officer denied the allegation, stating it was her custom to broadcast this information. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. He made contact with a passenger on the light rail vehicle after fare inspectors reported the passenger refused to produce proof of payment. The officer requested the passenger show proof of fare or exit the light rail vehicle to be issued a citation for fare evasion. The passenger, after numerous requests to comply, refused to produce proof of payment and refused to exit the light rail on his own. The officer placed him under arrest for fare evasion and attempted to escort the passenger off the light rail with the assistance of two officers. The officers made numerous attempts to remove the passenger from the light rail for public safety. The witness officer corroborated the officer's account of the incident. There is insufficient evidence to 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 officer denied the allegation. He stated the passenger on the light rail vehicle refused to show proof of payment and refused to exit the light rail on his own after numerous requests. The officer placed the passenger under arrest for fare evasion and with the assistance of two officers attempted to escort the passenger off the light rail. The passenger began to stiffen up and wiggle his upper body making it hard to maintain control of him. The officers could not handcuff the passenger and took him to the floor of the light rail vehicle for better control. They handcuffed the passenger on the floor, lifted him off the floor and moved him outside of the light rail onto the street median bus stop. At one point, the officer said he placed his knee on the passenger's back area to maintain control of him. The officer denied that they used a hobble restraint on the passenger. The officer stated he spoke with the passenger's sister, a practicing physician of internal medicine, who relayed her brother had aggression issues whenever his medication was changed and he had possibly reached a toxic level. The officer stated paramedics were called to the scene and the passenger was transported to the hospital for evaluation of his medication levels. The officer said the passenger stated he was not injured, had no complaint of pain or visible injuries. The incident did not meet the criteria for documentation of force. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification. The officers stated they were flagged down by a citizen who stated the complainant resembled the description of a rape suspect and further stated due to the severity of the crime, they would be negligent if they did not conduct an investigation. The officers did get a description of the rape suspect and the complainant did match the description. The evidence proved that the act which provided the basis for the allegation occurred, however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer searched him without justification. The officer stated the complainant was being detained as a possible rape suspect and a pat search for weapons is protocol and was necessary for officer safety. The evidence proved that the act which provided the basis for the allegation occurred, however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force on him during his detention. The officer denied the allegation. Officer officers on scene did not observe any unnecessary force used on the complainant. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the inspectors searched his residence without justification. The inspectors did conduct a search on the complainant's residence because the complainant was being accused of a violent sex crime, and that he also had a warrantless search condition attached to him as a condition of probation. The evidence proved that the act which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer said if she was going to act like an idiot, he was going to treat her like one. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force during a W & I 5150 detention.

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

FINDINGS OF FACT: The complainant stated officers used unnecessary force in detaining her. The complainant consented to the officers' entry to check on the well being of her boyfriend's grandmother with whom the complainant and her boyfriend lived. During the police contact, the complainant began yelling and screaming at the police and made a sudden move toward her kitchen. The complainant refused to comply with the officers' orders to stay in the living room. She also stated that she was not taking her medication and that the officers were trying to kill her. The officers used a control hold to detain her for a mental health detention and transported her to a local hospital. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer neglected his duty, in violation of Department General Order 1.03. The officer admitted that he did not turn in his incident report and book evidence into property before the completion of his watch. Although he stated he ultimately booked the application for 72-hour Detention as evidence, Department records indicate that he never filled out the property log and the Department never located the form. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF OCC ADDED ALLEGATIONS #2-3: The officers failed to properly supervise.

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

FINDINGS OF FACT: The officers reviewed a junior officer's late report that described a mental health detention but the 72-hour Detention form was neither attached nor booked into evidence. The officers described differing documentation practices demonstrating inconsistent procedures concerning attachments to incident reports and inconsistent procedures concerning officer's responsibilities to submit the 72-hour Detention form with the incident report. The OCC recommends that the Department establish one uniform procedure for documenting and preserving all attachments to incident reports. The OCC also recommends that DGO 6.14 (Psychological Evaluation of Adults) be amended to establish one uniform procedure for documenting and preserving the application for 72-hour detention. Additionally, the OCC recommends that DGO 1.04 (Duties of Sergeants) be amended to require that review of a subordinate's incident report for appropriateness and completeness include verification that property identified as booked into evidence in the incident report is documented in the district station's Property Control Log.

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for failing to pick up his dog's feces. The complainant stated the officer cited him for "almost nothing, but he picked up." The complainant's statement that the officer cited him for almost nothing, indicated he admitted the officer cited him for a violation. The witness statement when interviewed by the OCC was determined as lacking credibility. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer conducted a pat search without cause.

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

FINDINGS OF FACT: The officer sought to cite the complainant for an infraction, for failing to pick up after his dog. The complainant did not produce proof of identity. The complainant admitted he became vocal regarding his inability to produce his identification. The complainant stated the officer initiated a pat search against his will and he objected. The officer instructed the complainant not to move. The complainant admitted he did not cooperate with the officer. The complainant failed to provide proof of identity following the officer's observation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper

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

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

FINDINGS OF FACT: The complainant stated the officer acted in an inappropriate manner because he touched his body, allegedly pat searching him without warning. The complainant stated the officer spoke to him in an inappropriate manner, telling him loudly he needed to speak to him directly. The complainant admitted he failed to follow the officer's verbal commands. He admitted he did not wish to be touched or searched by the officer. The complainant admitted the officer was performing a pat search of his person for officer safety purposes, and told him if he did not comply, he would arrest him and take him to jail. The complainant stated he preferred to speak to a second officer who had arrived in a patrol car. The first officer told the complainant he had to deal directly with him. The officer denied the allegation. The witness stated the officer "yelled" at the complainant during the contact. The officer's loud verbal commands and concomitant declarations regarding consequences of the complainant's failure to comply with his commands were appropriate. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer engaged in biased policing due to race. He stated that he is Caucasian and the officer was of another race. The complainant was with his female partner at the time, along with his large breed dog. He stated the reason he felt the officer engaged in biased policing was when the detaining solo officer called for backup. The complainant stated the two officers were of the same ethnicity and they seemed allied against him. The officer was interviewed relative to the OCC's biased policing protocol and denied the allegation. The witness did not support the complainant's allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #1 & 2: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated the officers did not arrest the suspect who had assaulted him. The officers stated they determined the incident was mutual combat. The witness stated the suspect assaulted the complainant. The incident report documents that the suspect stated the complainant threw a bottle at him. The complainant denied throwing a bottle. The complainant and witness admitted they were intoxicated during the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 & 6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that, upon reading the police report, he was upset that the suspect lied to the police and stated that he threw a bottle at him. The complainant stated the officers did not interview his friend, who was present during the incident. The officers stated there were no witnesses. The witness stated that, when police came to the door, he led them to the suspect's room, and then went back to his room. He stated the police never questioned him. The witness stated he is a friend of the suspect and because he lives with him he did not want any problems. There is insufficient evidence to determine that the officers had knowledge regarding the witness being present during the incident, as he went back to his room and did not offer any information to the officers. Also the complainant and witness were intoxicated. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer was unprofessional, giving him personal advice and telling him to handle this as a civil matter. The officer denied the allegation. The witness supported the complainant's version. There is insufficient evidence to determine whether or not the information that the officer provided was inappropriate.

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

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

FINDINGS OF FACT: The complainant stated he went to the station seeking to correct the statement the suspect provided, which he said was not true. The complainant stated the officer did not prepare a supplemental report and instead told him to call the number on the follow up form that was given to him. The officer also provided the number for the inspectors assigned to the district. The officer denied the allegation. The witness stated the officer did not prepare a report but did provide a phone number to the complainant, so he could follow up with officers familiar with his case. In his OCC interview the complainant did not know the term "supplemental report" but expressed that he wanted the report to be "corrected" with the right facts, i.e., that he never threw a bottle at the suspect. There is insufficient evidence to determine what exactly the complainant was seeking when he spoke to the officer, as he was not familiar with the term "supplemental report" until his OCC interview.

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SUMMARY OF ALLEGATION #1: The officer handcuffed the subject without justification.

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

FINDINGS OF FACT: The complainant alleged that one of her friends called police and requested their assistance in handling an unidentified female who falsely accused a member of the complainant's group of stealing her cell phone. The complainant's friend was using her own cell phone, which the unidentified woman incorrectly believed belonged to her. The complainant said the unidentified accuser displayed bizarre behavior and became increasingly belligerent to the point where the complainant thought this person was going to assault her friend. By the time police officers arrived, the unidentified woman had calmed down and the complainant's friend, who had not stolen anything, was so agitated she had to walk away in order to regain her composure. Officers commanded the complainant's friend to stop. Officers wanted to sort out the facts by requesting the complainant's friend to talk to them. The complainant's friend, however, continued walking backwards away from the officers, while flailing her arms and saying, "I'm feeling pissed off! I have to go!" The officers perceived her behavior as ignoring their commands, and an unidentified officer handcuffed the complainant's friend while the unidentified woman responsible for initiating this incident was not handcuffed. The named officer who took control of this incident said the unidentified female had calmed down and was cooperative; therefore, there was no need to handcuff her. On the other hand, the complainant's friend became increasingly agitated, yelled and was uncooperative with officers who had to handcuff her in order to control her. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #2-5: The officers detained the subject without justification.

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

FINDINGS OF FACT: The officers stopped to investigate this incident as it was unfolding. The officers saw two females in a heated verbal exchange and separated the parties. An unidentified female accused the complainant's friend of stealing her cell phone. The unidentified female had calmed down and was cooperative, but the complainant's friend had become increasingly agitated, was yelling and was uncooperative with officers who had to handcuff her in order to control her. One of the investigating officers removed the handcuffs from the complainant's friend and released her after the officer determined the accuser had found her cell phone in the pockets of her (the accuser's) clothing. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #6-9: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant said the officers failed to properly investigate an incident in which a strange-acting, unidentified woman falsely accused one of the complainant's friends of stealing her cell phone. The officers stopped to investigate this incident as it was unfolding. The officers saw two females in a heated verbal exchange, separated the parties and talked to the parties individually. The unidentified female had calmed down and was cooperative, but the complainant's friend had become increasingly agitated, was yelling and was uncooperative with officers who had to handcuff her in order to control her. One of the investigating officers removed the handcuffs from the complainant's friend and released her after the officer determined the accuser had found her cell phone in the pockets of her (the accuser's) clothing. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #10: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant alleged the officer yelled at her and told her to go back across the street when she (the complainant) was only trying to explain to the officer the events that had just transpired. The officer denied yelling at the complainant and said he might have raised the volume of his voice in order to assert control during an incident that could have easily gotten out of control with the large number of people present. Department General Orders allow an officer to use verbal persuasion to assert control. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to issue an 849(b) Certificate of Release as required by general orders.

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

FINDINGS OF FACT: The complainant said an unknown officer handcuffed one of her friends while investigating an incident. An unidentified woman accused the complainant's friend of stealing her cell phone. The named officer, who took control of the incident, removed the handcuffs from the complainant's friend and released her after the officer determined the accuser had found her cell phone in the pockets of her (the accuser's) clothing. However, the named officer did not prepare a Certificate of Release when he uncuffed and released the complainant's friend. A preponderance of the evidence proved that the named officer failed to take action required by the Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers entered without a search warrant.

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

FINDINGS OF FACT: The complainant stated she insisted on seeing a copy of the search warrant and said an officer flashed it by her and pulled it back, so she was only able to read that it was for firearms. She stated a copy was not provided to her. The officers stated they showed a copy of the warrant and provided a copy of an inventory of seized items to the complainant. The evidence includes a signed search warrant and return to search warrant. The officers performed their duty per DGO 5.16. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS # 4-5: The officers searched without a search warrant.

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

FINDINGS OF FACT: The evidence includes a signed search warrant and return to search warrant. The officers performed their duty per DGO 5.16. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #6-7: The officers arrested the complainant's boyfriend without cause.

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

FINDINGS OF FACT: The complainant believes that, because she was not given a search warrant copy on the day of the search, the entry and search was illegal. She also believes that this makes the arrest of her boyfriend illegal. The officers did a records check on all detained and confirmed the complainant's boyfriend had a parole warrant. He was arrested and booked. Officers have the authority to arrest individuals with outstanding warrants. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #8-9: The officers seized property without cause.

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

FINDINGS OF FACT: The complainant stated that officers took photographs from her home that had nothing to do with the search warrant. The officers stated the search warrant listed indicia for the person they were looking for. Per the search warrant officers were authorized to seize the photographs as indicia. There is a signed search warrant and return to search warrant listing the photographs seized. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #10: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated an officer grabbed her and pulled her down the stairs causing her to fall and scrape her leg. The officers denied the allegation. There were no other witnesses. The complainant is unable to identify an officer as she stated there were many officers present. There were no visible injuries or medical documentation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated an officer threatened her sister with calling Child Protective Services. The officers denied the allegation. The complainant is unable to identify an officer as she stated there were many officers present. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/11 **DATE OF COMPLETION:** 05/14/12 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he had fallen asleep in a Muni Station and that the officer told him to leave the area. The officer stated that he did not recall any contact with the complainant. Department records show the officer was in the area where the incident occurred. There were no identified witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to write an incident report

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

FINDINGS OF FACT: The complainant stated that he wanted the officer to write an incident report on a Muni Station agent who had maliciously called the police about the complainant. No officer recalled the incident or contact with the complainant. Department General Order 1.03 requires officers to write an incident report when they either observe a crime or a crime is brought to their attention. No crime occurred when the Muni Station agent called the police. Pursuant to Department General Order 1.03, any responding officer would not have been required to write an incident report. The evidence showed that the unknown officer's actions were appropriate.

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DATE OF COMPLAINT: 07/25/11 **DATE OF COMPLETION:** 05/14/12 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: No officer recalled any contact with the complainant. Department records did not show any contact with the complainant. The vehicle number provided by the complainant returned to show that no officer was assigned to that vehicle at the time provided by the complainant. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers denied the allegation. The officers received information from dispatch regarding a strong-arm robbery with a physical description and location of the suspect. The officers reached the location of the crime and a witness pointed out the complainant as the suspect in the strong-arm robbery. The officers detained the complainant for further investigation. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officers denied the allegation. One officer stated dispatch provided information that the strong-arm robbery suspect possibly had a gun. The complainant was stopped, detained and handcuffed. Based on the type of crime involved, the officers had cause to handcuff the complainant thought to be the suspect. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the complainant was worried about leaving his work premises and continually asked the officers to call his employer. The named officer said he told the complainant he was being detained because he matched the description of a suspect and to allow ample time for the investigating officer to complete the investigation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated based on the information he had, which included a positive identification from the victim and a witness, he had probable cause to arrest the complainant for the robbery crime. The victim corroborated she identified the complainant as the person who forcibly took her property while on a bus. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 07/28/11 **DATE OF COMPLETION:** 05/22/12 **PAGE #** 3 of 3

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

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

FINDINGS OF FACT: The officers denied the allegation. The reporting officer stated he interviewed the victim and witness, conducted a cold show at the scene, searched the area for evidence, had another officer request the video from the bus line, charged the complainant and forwarded the case over to the investigative unit. The investigating sergeant stated he took all necessary steps in providing follow up in the investigation and forwarded the case to the district attorney who determines if the facts and information is sufficient to prosecute the person charged. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-11: The officer's conduct was biased, due to the complainant's race.

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

FINDINGS OF FACT: The officers denied the allegation. The officers stated dispatch described the suspect that robbed a female on a bus as a black male wearing dark clothing. Two of the officers stated a witness flagged them down to point out and identify the complainant as the individual who committed the crime. The officers stated the complainant's race and clothing matched the description of the suspect. The officers contended the complainant's detention; arrest and follow up investigation were based on the information they received and the positive identification of the complainant as the person who committed the crime. The officers relayed the biased policing allegation had no merit. The victim corroborated she identified the complainant as the suspect who robbed her of her property on a bus. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/28/11 **DATE OF COMPLETION:** 05/29/12 **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 stated he carried a concealed loaded firearm on his person and was in possession of an out of state concealed weapons permit. The officers received a call of an “unattended firearm” in a hotel room, which had been registered to the complainant. The officers made contact with the complainant and he was subsequently arrested for carrying a concealed loaded firearm on his person. The State of California does not accept or provide reciprocity for an out of state firearms permit. 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 entered a room without cause.

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

FINDINGS OF FACT: The complainant stated he informed the officers the hotel room had been registered to him, that a firearm was inside the hotel room and that he also had a firearm on his waistband. The complainant stated the officers used an access key supplied by the hotel, opened the hotel door and entered the room. The risk manager of the hotel stated they called the police to take custody of the unattended firearm and that the complainant had checked out of his room. The officers followed proper procedure for public safety by entering the room, securing the unattended firearm and clearing the room for additional weapons. 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: 07/28/11 **DATE OF COMPLETION:** 05/29/12 **PAGE #** 2 of 3

SUMMARY OF ALLEGATIONS #6 & 7: The officers filed false charges against the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. The reporting officer admitted he charged the complainant for the improper Penal Code section; however, it was not intentionally, but an error in form. The sergeant stated there was a misunderstanding between him and the reporting officer in regards to which Penal Code section to levy against the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he prepared the incident report and used the incorrect Penal Code section for the booking charge against the complainant. The officer admitted he used the Penal Code section and subsection, which pertains to carrying a concealed firearm within any vehicle, rather than the subsection that more accurately states a person is guilty of carrying a concealed firearm when he carries it concealed upon his person. Additionally, the reporting officer conceded that he used the incorrect coding to describe the type of incident. The officer indicated the type of incident as "Firearm, loaded in Vehicle..." when it should have correctly identified the incident as "Weapon, carrying concealed..." A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 07/28/11 **DATE OF COMPLETION:** 05/29/12 **PAGE #** 3 of 3

SUMMARY OF ALLEGATIONS #9 & 11: The officers were biased toward the complainant, due to his race.

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

FINDINGS OF FACT: The officers denied the allegation. The officers stated they were called to the hotel in regards to a firearm left in a hotel room. The officers denied any discussion or disbelief of the complainant's lack of criminal history. One of the officers denied making any comments in regards to intentionally putting the complainant "into the system." The officers stated their actions to contact, arrest, and charge the complainant was not based on the complainant's race. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The sergeant failed to properly supervise.

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

FINDINGS OF FACT: The sergeant stated he reviewed and signed the incident report prepared by the arresting officer and he is aware of the Department General Order regarding the duties of supervisors. The sergeant stated the Penal Code section and the type of incident on the incident report is incorrect and he failed to catch the error while reviewing the report. The sergeant said there was a misunderstanding between him and the reporting officer. He recalled the reporting officer had provided several drafts of the incident report to him and he gave the officer instructions to correct the drafts. "And when I signed this, obviously, I wasn't careful enough in reviewing it. So that's my fault. Ten years as a supervisor and this is the first time this has happened." A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 07/28/11 **DATE OF COMPLETION:** 05/17/12 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The officers denied the allegation. They received a call from dispatch regarding a shoplifting suspect at a grocery store. The first officer at the scene stated the manager of the store pointed out the complainant as the shoplifting suspect. The officers detained the complainant, investigated the incident and accepted two separate citizen's arrest forms from witnesses. One of the witnesses stated he observed the complainant place groceries into a canvas shopping bag and attempt to leave the store without paying for the items. 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 - 7: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The officers denied the allegation. The contact officer stated the complainant failed to comply with his command by removing his hands from his head and attempting to walk away. The officers grasped the arms and hands of the complainant to gain control for handcuffing. The officers stated the complainant who was very muscular and strong, continued to break free and they all fell forward onto the complainant and onto the ground. After a brief struggle, the five officers were able to handcuff the complainant. Other officers on scene corroborated that no unnecessary or reportable force was used. The witness who was the original reporting party, who called the police regarding the alleged criminal actions of the complainant, stated the complainant was very strong and out of control and the officers use of force was reasonable. The witness stated the complainant shoved him and threw him in the store approximately fifteen feet. The officers stated the complainant did not complain of pain or any injury. The complainant stated he refused medical treatment. There are no independent witnesses to this contact with the complainant. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/2/11 **DATE OF COMPLETION:** 05/21/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer, who was working in plain clothes with three other officers, threatened to arrest him. He stated that the named officer telephoned the complainant and left a threatening voicemail message for him. The complainant was unable to provide OCC with any recordings of his voicemail messages and was unable to retrieve data from his cell phone documenting calls from the named officer. The officer denied the allegation. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer detained him at a friend's house and offered to release him if he provided information. When the complainant did not provide information, the officer arrested him on a parole violation for being in the company of gang members. However, when the complainant was taken to the county jail he was released. The named officer stated that while responding to a residence on a domestic violence report, he saw the complainant in the company of gang members, which he knew was a violation of the complainant's parole. The named officer stated that he detained the complainant and placed him under arrest after a parole agent confirmed that the complainant had violated his parole by being in the company of the two-gang members. The named officer denied offering to release the complainant if he provided information. A supervisor who was present stated that he did not recall the named officer having any discussion with the complainant about providing information. He also stated that a parole agent ordered that a parole hold be placed in the complainant. Other officers who responded to the domestic violence call stated that they either did not recall the incident or did not see anyone talking to the complainant. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 08/09/11 **DATE OF COMPLETION:** 05/21/12 **PAGE#1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the officers detained her for no reason. The officers stated that they were dispatched to the complainant's residence because it was reported that the complainant was screaming and repeatedly going in and out of her house. The officers located the complainant outside of her residence. They both reported that the complainant's actions and behavior caused them to believe that she was unable to care for herself so they placed her into a 5150 detention and transported her to SFGH PES for treatment. The complainant stated that she was not taking her prescribed medication at the time of this incident. The complainant also admitted that she was detained at SFGH PES for ten days following the officer's detention while the hospital staff placed her back on her medication. The evidence proved that the act alleged occurred, however, said act was appropriate and lawful.

SUMMARY OF ALLEGATIONS #3-4: The officers' comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers' comments and behavior were inappropriate. The officers denied the allegation. There were no witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/16/11 **DATE OF COMPLETION:** 05/17/12 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer issued her a citation for not stopping at a stop sign. The complainant stated that she was lost, was driving slowly and that she stopped for all the stop signs. The complainant's passenger stated that as far as she knew the complainant was obeying all traffic laws and had stopped for the stop sign. The officer stated that he was conducting traffic enforcement in the area due to complaints from residents that people were running stop signs due to the closure of a tunnel in the area. He observed the complainant fail to stop at either the limit line or the stop sign. He stated that she was driving at a speed of approximately 15 miles per hours when she drove through the stop. He then issued the complainant a citation for violation of CVC22450 Stop Sign. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer's comments and behavior were rude, threatening and intimidating. She stated that she was lost and the officer would not provide her with directions but was intent on issuing a citation instead of assisting her. The officer had her exit the vehicle for an unknown reason and threatened to take her to jail because she would not immediately sign the citation. The complainant said the officer would not allow her access to her glasses so that she could read the citation and stated she would not sign the citation without reading it. She eventually signed the citation. The officer stated that the complainant repeatedly refused to sign the citation and interrupt him during the citation process. He stated that he advised her several times that if she refused to sign the citation he would be forced to arrest her and take her before a magistrate. He said the complainant wanted to go into the trunk of her vehicle to obtain her glasses but he would not allow that since it would be a safety issue. He offered to get her glasses from the trunk but the complainant declined his offer. Upon her continuing refusal to sign the citation, the officer stated it became an officer safety situation due to her behavior. He asked for the car keys and requested she exit the vehicle for safety reasons so that she would not drive off. The officer denied being rude or inappropriate. The complainant's passenger stated that the officer was rude and hostile until he realized there was someone else in the vehicle. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/18/11 **DATE OF COMPLETION:** 05/24/12 **PAGE#** 1 of 2

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 the officer arrested him without cause. The officer arrested the complainant because a store security officer stated he observed the complainant shoplifting and detained the complainant for the shoplifting offense. The store security then placed the complainant under a citizen's arrest and forwarded the arrest to the officer. The officer accepted the citizen's arrest as required by Department General Order 5.04. The evidence proved that the act which provided the basis for the allegation occurred, however, the act was proper and lawful under Department General Order 5.04.

SUMMARY OF ALLEGATION #2: The officer failed to provide Miranda Rights.

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

FINDINGS OF FACT: The complainant stated that when he was arrested, the officer failed to provide him with his Miranda Rights. The officer stated he did not provide the complainant with the Miranda Rights because he did not interview or interrogate the complainant. Law enforcement officers are required to provide Miranda rights to a person when the person is 1) In custody and 2) Being interviewed or interrogated regarding a criminal act for which the person could self incriminate themselves if they speak of the crime without proper counsel. The officer was not required to provide Miranda rights to the complainant as the officer did not interrogate the complainant. The evidence proved that the officers actions were proper and lawful based on current Department policy.

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

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

FINDINGS OF FACT: The complainant stated the officer's comments and behavior were inappropriate and harassing. The officer denied the allegation. There were no independent witnesses to the entire contact between the officer and the complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers used “police brutality” during his arrest. He stated that as a result he had a lacerated lip, scratched forehead, scratched ear, and marks on his wrists from handcuffs. The officers stated the complainant was intoxicated, belligerent, uncooperative, and resisting. The officers stated that when they first contacted the complainant he already had a lacerated lip. The complainant’s credibility is questionable due to his intoxication at the time of the incident. The complainant admitted to being drunk and blacking out at some point and did not recall details of the incident. The medical records document the injuries, the complainant’s intoxication, and his physically combative behavior towards a nurse. The CAD documents that this call was of a fight between the complainant and a female. The witness and victim to the initial fight remained anonymous so they were not identified at the scene. There is insufficient evidence to determine the level of force necessary to take the complainant into custody.

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

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

FINDINGS OF FACT: The complainant said he believes he still had \$ 30.00 when the officers arrested him and recalled that they took his wallet and went through it. He stated that the property receipt shows he had zero money so he believes the officers took his money. The officers denied the allegation. The complainant admitted to being drunk and blacking out and is not certain of what occurred and is not even sure that he had the \$30.00. The complainant’s credibility is questionable due to his intoxication at the time of the incident. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/07/11 **DATE OF COMPLETION:** 05/22/12 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #4: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated one of the officers gave him wrong information regarding his Notice to Appear. The complainant said he refused to sign the NTA and is claiming that he officer told him that if he signed the NTA he would not have to go to court. He said the officer lied because he still has to go to court. The officer stated he was trying to cite and release the complainant at San Francisco General Hospital, but he refused to sign the citation. The officer said he informed the complainant that if he didn't sign he would have to go to jail. The complainant admitted to being drunk and did not recall the sequence of events. The medical records document that the complainant was intoxicated, belligerent and combative. The complainant's credibility is questionable due to his intoxication at the time of the incident. It is unlikely that the officer would have made the statement attributed to him.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/23/11 **DATE OF COMPLETION:** 05/03/12 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer behaved inappropriately in that the officer harassed, laughed and mocked him. The officer and civilian witnesses denied the allegation. The witnesses were either not present during the entirety of the contact or were dependent. The witnesses said the complainant was not cooperative and verbally abusive. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated he was assaulted and wanted the officer to make an arrest. The officer denied the allegation. The officer said there was insufficient evidence or witnesses to conclude that the complainant was a victim of an assault. The evidence shows that the officer documented in the police report what was reported to him. The officer stated the complainant had an altered mental state and was not cooperative. The civilian witnesses stated the complainant was the aggressor and not a victim. 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: 08/23/11 **DATE OF COMPLETION:** 05/03/12 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant said the officer threw him to the ground. The officer and civilian witnesses, denied the allegation that the officer threw him to the ground. The officer stated the complainant did not complain of any pain, injuries, or request for medical aid. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant said he should not have been detained. The complainant admitted he consumed alcohol, had an anxiety attack, and was in an argument with others. The officer stated the complainant was placed in handcuffs pending the investigation of the alleged assault as well for the officers' and the complainant's safety, because he appeared to be either under the influence of alcohol or in an altered mental state, and exhibited erratic uncontrollable behavior. Another officer issued a Certificate of Release form to the complainant. 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: 08/25/11 **DATE OF COMPLETION:** 05/17/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants stated that the officer acted unprofessionally, was irate and yelled at them. The officer denied the allegation. A witness, the original reporting party, stated that the officer did not yell at the complainants and acted appropriately and professionally. The witness stated that it was the complainants who were yelling throughout the contact. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/07/11 **DATE OF COMPLETION:** 05/22/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation for not stopping at a stop sign. The officer stated that he observed the complainant go through a stop sign without coming to a full stop. He then alerted his partner and they conducted a traffic stop of the complainant. There were no witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers' behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated that one of the officers was militant and angry when addressing the complainant. The complainant further alleged that the stop took a long time before he was issued a citation. The officers denied the allegation. One officer did not recall the specifics of this traffic stop and the other officer stated he did not know how long the stop took, but he always makes sure that the citations he issues are accurate. There were no witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/11/11 **DATE OF COMPLETION:** 05/31/12 **PAGE #**1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer entered the co-complainant's residence without cause. During her recorded interview with OCC, the co-complainant stated that she gave permission for the officer to enter her residence. Department records show that the named officer entered and searched the residence with the co-complainant's permission. The evidence proved that the act alleged in the complaint occurred, however, that act was proper and lawful.

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

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

FINDINGS OF FACT: The complainant stated that the officer searched the co-complainant's residence without cause. During her recorded interview with OCC, the co-complainant stated that she gave permission for the officer to search her residence. Department records show that the officer entered and searched the residence with the co-complainant's permission. The evidence proved that the act alleged in the complaint occurred, however, that act was proper and lawful.

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

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

FINDINGS OF FACT: The complaint stated she went to the San Francisco Police Department Property Control Room with a court order to retrieve property belonging to her and her husband, which had been seized during her husband's arrest in 2011. The preponderance of the evidence established that the San Francisco Superior Court never ordered the alleged property items released. Moreover, the evidence showed that the property items allegedly mishandled had been released at the request of the complainant's husband to the complainant herself and to his attorney before this complaint was filed. Therefore, the acts alleged in this complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2 : The officers conducted a vehicle stop without justification.

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

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

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

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

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

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SUMMARY OF ALLEGATIONS #4-5: The officers towed a vehicle without justification.

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

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

SUMMARY OF ALLEGATIONS #6-7: The officer's comments and behavior were inappropriate.

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

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

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SUMMARY OF ALLEGATIONS #8-9: The officers searched a vehicle without cause.

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

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

SUMMARY OF ALLEGATIONS #10-11: The officers engaged in biased policing due to race.

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

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

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DATE OF COMPLAINT: 09/23/11 **DATE OF COMPLETION:** 05/31/12 **PAGE #**1 of 1

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

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

FINDINGS OF FACT: The complainant said he had not violated any laws; yet, officers detained and illegally had him confined at San Francisco General Hospital for a seventy-two hour psychiatric evaluation. The complainant indicated that officers have a substantial amount of discretionary power to arbitrarily detain anyone they considered as needing psychiatric evaluation, and in doing so could have an individual detained without just cause. He complained that officers had specifically abused this power in this incident. The evidence developed in this case showed that the officer, along with other officers, responded to an "A" priority dispatch requesting assistance in handling a suspected mentally disturbed person with a knife inside a supermarket. Witnesses reported the complainant was acting strangely and making incoherent statements. The officer reported that in addition to other statements the complainant made that did not make any sense, the complainant told him that bacteria was crawling out of his (complainant's) eyes. The officer determined that the complainant fit the criteria for a seventy-two hour psychiatric evaluation, and found the complainant to be in possession of a four to five inch knife incident to a pat search. The complainant's medical records disclosed the complainant suffered from psychiatric disorders and had been admitted for observation on other occasions. These records also noted the complainant's potential for violence. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer failed to process the complainant's property.

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

FINDINGS OF FACT: The complainant said the officer illegally seized a knife from him after the officer detained the complainant for a seventy-two hour psychiatric evaluation. Additionally, the officer failed to return the knife after the complainant was released from the hospital. The officer said he seized the knife from the complainant pursuant to Section II. H. of Department General Order (DGO) 6.14 (7/27/94) titled, "Psychological Evaluation of Adults." This DGO states that Welfare and Institutions Code Section 8102 requires law enforcement officers to seize firearms and other deadly weapons from individuals detained or apprehended for examination of a mental condition pursuant to Section 5150 W & I. This DGO also advises that the individual contact the SFPD Legal Division concerning the return of the knife. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated he was cited without cause. The officer denied the allegation and stated that the complainant was cited for willfully refusing to comply with the officer's lawful order and for leaving a curb. The complainant admitted entering a restricted construction area but denied the officer's alleged violations. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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