

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/10 **DATE OF COMPLETION:** 09/23/10 **PAGE # 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated her daughter, who suffers from mental illness, did not take her medication and was acting out, hitting her and locking her out of her apartment. The complainant said she asked a neighbor to call an ambulance to take her daughter to the hospital but did not understand why many armed officers arrived, including narcotic officers. SFPD department records confirm the officers' entry into the home. There is no dispute that the complainant's daughter was armed with a bladed weapon and that department negotiators responded to the scene. Based on the complainant's own statement, 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 officers damaged the complainant's door.

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

FINDINGS OF FACT: The complainant said the officers broke the door to the apartment. Based on the complainant's own testimony, 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 #3: The officers searched the complainant's home without cause.

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

FINDINGS OF FACT: The complainant stated that, in a separate incident, officers showed up at her door asking for one of her sons, whom she says does not live there. The complainant asked the officers for a warrant and they showed her an arrest warrant and searched her residence. The complainant has three sons and they all have criminal records. The complainant has not been able to provide a date or any other information about when the officer came to her residence. The officer denied the allegation. 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 #1-2: The officers entered the residence without cause.

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

FINDINGS OF FACT: The officers responded to a landlord tenant dispute. The officers were allowed to enter the residence by the tenant/reportee. The complainant acknowledged that the tenant let/allowed the officers into the residence. The officer's conduct was lawful and proper.

SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate conduct and behavior.

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

FINDINGS OF FACT: The officers shown as responding to this landlord tenant dispute were questioned by the Office of Citizen Complaints and either deny or do not recall making or engaging in inappropriate comments or behavior. The complainant was not able to provide information that would lead to the officer's identity. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer issued him a citation without cause. The officer, who recently returned to work after a long-term disability, could not recall the contact. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to take required action. The complainant said the officer failed to stop a bicyclist who ran against a red light. The officer could not recall the contact. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer drove his vehicle improperly.

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

FINDINGS OF FACT: The complainant alleged that the officer drove his motor vehicle improperly. The complainant said the officer cut him off causing him to veer. The officer could not recall the contact. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/24/10 **DATE OF COMPLETION:** 09/30/10 **PAGE** #1 of 2

SUMMARY OF ALLEGATION #1: The complainant stated unidentified officers entered his residence without cause.

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

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

SUMMARY OF ALLEGATION #2: The complainant stated unidentified police officers made intimidating remarks to him.

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

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

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SUMMARY OF ALLEGATION #3: The complainant stated that he and his girlfriend were strip-searched at the station without probable cause.

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

FINDINGS OF FACT: The complainant and his girlfriend were detained pursuant to a search warrant. The warrant authorized the officers to search the complainant's person, his residence and his vehicle. The report stated the officers executed the search warrant and searched both the complainant and his girlfriend. The OCC requested strip search authorizations for the complainant and his girlfriend for the day of the incident complained of. There were no strip search authorizations on file at the station for the day of the incident complained of for either the complainant or his girlfriend. The officers denied the allegation. There were no witnesses. There was 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 issued an invalid order.

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

FINDINGS OF FACT: The officer stated he ordered the complainant to leave the area because he jumped the cab line and was in the bus zone. The complainant stated that there were 25 cabs in front of him when the officer arrived. The complainant stated he was the fifth cab behind the officer when he pointed at him and other cab drivers behind him to leave the area. The complainant stated he understood that the officer did not want any cabs beyond the cabstand edge. However, a space became available and he drove into the space within the cabstand and the officer followed him and ordered him to leave, which he felt, was unjust. The officer's actions were proper.

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

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

FINDINGS OF FACT: The complainant stated he did not leave when the officer ordered him several times to leave the cab line. The officer stated the complainant jumped the cab line and refused to comply with his order so he issued him a citation. The complainant did not deny that he jumped the line and that he did not leave when ordered to. The officer had the authority to cite the complainant per SFIA section 4.7 (D) (6) (H) taxi driver refuses to follow instructions.

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #1-2: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force when they shot her several times while attempting to take her into custody for a psychiatric evaluation pursuant to Welfare and Institution Code section 5150. Although one of the officers radioed dispatch to report a barricaded suspect with a knife and the complainant was contained within her bedroom behind a locked door, the Department's barricaded suspect procedures currently do not address procedures for individuals who are not criminal suspects evading arrest. The OCC recommends that 1) the Department develop a specialized police unit that is trained and deployed to respond to incidents involving mentally ill persons in crisis; 2) revise Department General Orders 6.14, 8.01, and 8.02 to include the Department's philosophy and procedures for handling encounters with mentally ill persons in crisis, including mentally ill barricaded individuals; 3) design a data collection system to review and evaluate mental health crisis calls and SFPD's responses to such incidents; 4) design roll call training for the advanced officer and field training that assist officers in formulating sound tactical plans when interacting with mentally ill individuals, especially involving individuals who may have a bladed weapon; 5) expand the Department's current Police Crisis Intervention training to include tactical strategies for encounters with mentally ill persons who have a bladed weapon; 6) improve field supervision so that the senior ranking on-scene officer effectively assume role as a supervisor, devise whenever feasible a sound tactical and strategic plan before action is taken, and direct actions of involved officer; and 7) appoint a member of Command Staff to work with the OCC, stakeholders and subject matter experts to develop the Department's policies and procedures for police interactions with mentally ill persons in crisis, including the Department's philosophy statement, specialized police mental health response unit, data collection and training curriculum discussed herein.

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SUMMARY OF ALLEGATIONS #3-4: The officers entered the complainant's bedroom without cause.

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

FINDINGS OF FACT: The complainant alleges that the officers entered her bedroom without cause. When the officers attempted to take the complainant into custody for a psychiatric evaluation pursuant to Welfare and Institution Code section 5150, the complainant barricaded herself inside her bedroom. One of the officers radioed dispatch to report that the complainant was a barricaded suspect with a knife and requested backup assistance. The officers then forced the complainant's bedroom door open and ultimately shot her several times when she advanced on the officers with a knife. The officers did not devise a strategic plan, did not wait for backup assistance, and did not follow the critical incident procedure for barricaded suspects (Department General Orders 8.01 and 8.02) before they forced entry into the complainants room a second time. Although the acts by the officers may have been justified because Department policy and procedure does not specifically address mentally ill individuals who are resisting a 5150 detention, the OCC recommends revising the Department's procedures for mentally ill individuals in crisis so that they are provided the same degree of specialized law enforcement expertise and critical response resources that are accorded to other high risk policing encounters.

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

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

FINDINGS OF FACT: The Sergeant and a subordinate officer shot the complainant several times when she advanced toward them with a knife while they were attempting to take her into custody for a psychiatric evaluation pursuant to Welfare and Institution Code section 5150. The evidence indicated that the Sergeant had not devised a strategic plan for taking the complainant into custody after the complainant had threatened her and another officer with a knife and barricaded herself inside her bedroom. The evidence further established that the Sergeant did not wait for backup assistance before forcing open complainant's door, even though approaching sirens could be heard and the complainant was contained inside her locked bedroom. The evidence also indicated that the Sergeant was not familiar with Department General Order 6.14 provisions concerning police assistance to certified clinicians during Welfare and Institutions Code §5150 detentions and had not taken the 40-hours Police Crisis Intervention training but an abbreviated 8-hour course. By failing to devise a sound tactical and strategic plan before forcing open the complainant's door, the Sergeant failed to properly supervise the incident, including the actions of the subordinate officer.

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

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

FINDINGS OF FACT: The complainant stated that the officer entered her apartment without cause. Department records establish that city employees working in the street outside the complainant's building reported to police that the complainant threw water and a bottle at them from her window. When officers arrived, the city employees identified the window of the complainant's apartment and officers contacted the complainant. One of the city employees went to the complainant's apartment and identified her as the assailant. Officers at the scene, including a supervisor, determined that the complainant was a danger to others and detained her for a mental health evaluation. The named officer stated that he contacted the complainant after the city employees identified her, and that the complainant was hostile and uncooperative and appeared to have mental health problems. When the complainant attempted to slam the door on him, the named officer kept it from closing and entered the residence when the complainant sat down again, leaving the door open. One of the city employees who had been working in the street came to the hallway outside the complainant's apartment and identified her as the individual who threw water and a bottle at him. A sergeant who supervised the officers at the scene stated that he arrived after officers had already entered the complainant's apartment. He stated that a city employee positively identified the complainant as the individual who had thrown items at him from her window and that based on this and on the complainant's behavior, he approved detaining her for a mental health evaluation. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer who entered her apartment searched it by visually inspecting the room and looking out the complainant's window. The complainant also stated that the officer moved a knife on a table to a location out of the complainant's reach. The evidence established that the officer's entry to the complainant's room was proper, and that therefore a visual inspection of the room for possible weapons was justified. The officer's action in moving a potential weapon out of the complainant's reach was also justified. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers detained her for a mental health evaluation without justification. Department records establish that city employees working in the street outside the complainant's building reported to police that the complainant threw water and a bottle at them from her window. When officers arrived, the city employees identified the window of the complainant's apartment and officers contacted the complainant. One of the city employees came to the complainant's apartment and identified her as the individual who threw the objects at him. One of the named officers stated that she detained the complainant because the complainant had been positively identified as the subject who had thrown a bottle out of her window at city employees and was a danger to others. The other named officer, a supervisor who was on scene and who approved the detention, stated that the complainant was detained because she had endangered city workers by throwing objects at them from her window and because her comments indicated she was not aware of the gravity of her actions. A witness officer who contacted the complainant stated that she was hostile and uncooperative and appeared to have mental health problems. This officer stated that the complainant appeared to have a predetermined belief that the police were conspiring against her. During her OCC interview, the complainant denied throwing anything out her window. The complainant also stated that she believes the actions of the police in this incident are related to her lawsuit against her landlord and the city of San Francisco and are an attempt to intimidate her. The complainant stated she believes the police were ordered to treat her as they did by the mayor's office. The evidence established that the action complained of was proper

SUMMARY OF ALLEGATION #5: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that when she was placed inside the police car, loud music was playing from its radio, and when she asked that it be lowered, the named officer made an inappropriate statement to her. The named officer stated that he did not recall any music playing in the patrol car and did not recall anyone asking him to lower the volume of music. The named officer denied making the inappropriate statement. The named officer's partner stated that she did not recall music playing in the patrol car, did not recall any conversation between the complainant and her partner and did not recall her partner making the inappropriate statement described by the complainant. There were no other witnesses to this interaction. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. A property record provided by the Sheriff's Department indicates the complainant signed and received some or all of his property upon his release.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied making the alleged comments and the second officer at the scene denied hearing the comments. The other occupant of the vehicle did not hear the alleged comments. There were no other witnesses. There is insufficient evidence to either prove, or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer conducted an unlawful detention and arrest.

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

FINDINGS OF FACT: The officers said reasonable suspicion and probable cause were based on a broken taillight a violation of the Vehicle Code. The complainant and the other occupant of the vehicle said the taillight was not broken and that the officers must have broken it. There were no other witnesses. There is insufficient evidence to either prove, or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3-4: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: Both officers denied the allegation. There is insufficient evidence to either prove, or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-6: The officers conducted themselves in an inappropriate manner.

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

FINDINGS OF FACT: The complainant and witness believe that the officers broke the taillight of the vehicle. Both officers denied breaking the taillight. There were no other witnesses. There is insufficient evidence to either prove, or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer wrote an inaccurate Incident Report.

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

FINDINGS OF FACT: The complainant complained that the Incident Report documents that her taillight was broken prior to the traffic stop /detention. The complainant and a witness in the vehicle stated that the taillight was not broken and that the officers must have broken it after they pulled them over, therefore the Incident Report misrepresents the truth. Both officers denied breaking the taillight. 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:

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SUMMARY OF ALLEGATION #1-2: The officers entered the premises 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 September 13, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer harassed the complainant on multiple occasions.

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

FINDINGS OF FACT: The complainant stated that the officer has harassed him on numerous occasions by having unlawful citations issued to him and making inappropriate comments. The complainant told OCC that when he was driving a vehicle, he picked up fares/passengers from the street when they flagged him down for rides. He was then stopped by police and issued citations for picking up these fares in violation of Municipal Police Codes 1105 (unlawful solicitations) and 1065 (no waybill in possession). The evidence shows that on the occasions the complainant was cited, the Department was conducting ongoing criminal investigations into illegal operations of limousines and taxicabs within the city limits. Current MPC and PUC codes do not allow limousine drivers to act as taxicabs and pickup or solicit fares. Furthermore, the same regulations require limousine drivers to have completed waybills before picking up fares and to have pre arranged pickups. In the incidents cited by the complainant, the fares he picked up were undercover officers working taxi/limousine enforcement details. When the fares entered his Lincoln Town car, the officers gave prearranged signals and the complainant was stopped for violating the applicable MPC codes. The complainant stated that the named officer made comments to him which included threats that the officer would tow his vehicle and "you again". The investigation showed that officers have discretion to tow vehicles and can make the comment alleged regarding having vehicles towed. The comment "you again" is a statement of fact as the named officer had contact with the complainant three times within 40 days for the same violation, under similar circumstances and does not rise to a level of misconduct. The complainant stated his knowledge was that if he was flagged down by a potential fare, then he could pick up the fare who flagged him down. This is an incorrect interpretation of the law as stated in the Municipal Police Codes. The evidence proved that the acts alleged did occur, however, the acts were lawful and appropriate.

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SUMMARY OF ALLEGATION #1-2: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to write a report. The evidence gathered during the investigation show that the complainant refused an ambulance when one was offered, filed a counter report days after the incident and told reporting officer that she was too busy for the offered medical attention. The initial call to dispatch did not contain any information about the complainant being injured. The responding officer advised dispatch that the accident involved property damage, which was documented in department records. The responding officers stated that the complainant suffered no injuries and made no complaint of pain during the incident. Department policies and procedures do not require police reports documenting property damage. The responding officers facilitated the exchange of information between the parties.

SUMMARY OF ALLEGATION #3: The behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved in an inappropriate manner by scolding her in front of the other party to the accident for driving slow and blocking traffic. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC interview requests to provide additional evidence needed to complete the investigation.

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC interview requests to provide additional evidence needed to complete the investigation.

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant failed to respond to OCC interview requests to provide additional evidence needed to complete the investigation.

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC interview requests to provide additional evidence needed to complete the investigation.

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SUMMARY OF ALLEGATION #5: The officer's policing actions were biased due to the complainant's gender.

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

FINDINGS OF FACT: The complainant failed to respond to OCC interview requests to provide additional evidence needed to complete the investigation.

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC interview requests to provide additional evidence needed to complete the investigation.

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SUMMARY OF ALLEGATION #7: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The complainant failed to respond to OCC interview requests to provide additional evidence needed to complete the investigation.

SUMMARY OF ALLEGATION #8: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant failed to respond to OCC interview requests to provide additional evidence needed to complete the investigation.

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SUMMARY OF ALLEGATION #1: The officer was reluctant to take a report.

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

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

SUMMARY OF ALLEGATION #2: The officer prepared an inappropriate report.

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

FINDINGS OF FACT: The officer stood by the appropriateness of his report, which included information, provided to him by his superior. The information was deemed material to the investigation and within the guidelines of the department as laid out in the SFPD Report Writing Manual. The evidence proved that the behavior which provided the basis for the allegation occurred, however, such behavior was justified, lawful and proper.

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SUMMARY OF ALLEGATION #3 and 4: The officers authorized an inappropriate report.

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

FINDINGS OF FACT: The officers authorized the inclusion of the information in the report as it was deemed material to the investigation. The information is within the guidelines of the department as laid out in the SFPD Report Writing Manual. The evidence proved that the conduct which provided the basis for the allegation occurred, however, such behavior was justified, lawful and proper.

SUMMARY OF ALLEGATION #5: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The officer took what she believed to be necessary and material investigatory steps into the incident. The evidence proved that the behavior which provided the basis for the allegation occurred, however, such behavior was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/10 **DATE OF COMPLETION:** 09/30/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer's demeanor was inappropriate.

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

FINDINGS OF FACT: The complainant said the officer's demeanor changed and the officer became "short" with her. The officer stated that her demeanor did change during the course of her contact with the complainant and described her demeanor as more direct not "short." The evidence proved that the behavior which provided the basis for the allegation occurred, however, such behavior was justified, lawful and proper.

SUMMARY OF ALLEGATION #7: The officer included an inappropriate comment in a report.

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

FINDINGS OF FACT: The officer denied making the alleged comments. The author of the report said he was instructed to include the information in the report. The instructing officer verified that she instructed the author of the report to include the information. The inclusion of the information in the report was deemed material to the investigation and within the guidelines of the department as laid out in the SFPD Report Writing Manual. The evidence proved that the behavior which provided the basis for the allegation occurred, however, such behavior was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The named officer denied the allegation stating that he had written the report accurately, including the fact that the complainant drew two vials of blood from the neck of a DUI suspect. The named officer clarified that the complainant was assisted in the process by a nurse, who placed the needle in the suspect's neck, while the complainant attached the vials to collect the blood. One witness officer did not see who actually drew the blood from the neck, but confirmed there was a nurse present during the blood draw. The complainant did not respond to requests by the OCC for further information. No other witnesses came forward. The investigation failed to gather sufficient 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: 06/02/10 **DATE OF COMPLETION:** 09/29/10 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: One officer said he detained the complainant because he believed he had witnessed the complainant being involved in a drug transaction. The complainant denied being involved in a drug transaction. The complainant was in possession of a prescription drug at the time of the detention. A civilian witness met the complainant on the street and witnessed the detention. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: One officer stated he arrested the complainant because he was in possession of a controlled substance without a prescription, in violation of H&S sec. 11350(a). The complainant admitted to having the controlled substance and had a prescription for the pills. He did not have the prescription on him. One witness who spoke to the police refused to be interviewed by the Office of Citizen Complaints. The complainant said, and the incident report verifies, that the officers asked the complainant to sign a consent to search his home for the purpose of verifying that he had a prescription for the controlled substance but the complainant refused to do so. There were no other witnesses. There is insufficient evidence to either prove or disprove the lawful nature of the detention and subsequent arrest.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/10 **DATE OF COMPLETION:** 09/29/10 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #5 & 6: The officer conducted a pat search without cause.

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

FINDINGS OF FACT: One officer denied conducting a pat search. A second officer admitted to conducting a pat search of the complainant. The complainant said his companion was also searched. The companion told the Office of Citizen Complaints that she was not searched, but was questioned by the officers. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7 & 8: The officers made rude and inappropriate comments.

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

FINDINGS OF FACT: The officers denied making the alleged comments. A witness did not hear any of the alleged comments and was not present during most of the incident. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that when the officers detained and booked him for a Penal Code violation, 647 (f), he had twenty dollars and miscellaneous medications on him. He stated that when he was released from custody only ten dollars was returned to him and none of the medications were returned. The complainant surmised that the officers therefore took ten dollars and his medications. The officers denied the allegation. Several officers verified the complainant was intoxicated when he was brought to the station. The complainant admitted that when he was released from custody at county jail, he signed the property release form stating that ten dollars was returned to him. Therefore, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/03/10 **DATE OF COMPLETION:** 09/16/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer was rude and unprofessional. The complainant stated the officer laughed at him. The officer denied the allegation. Department witnesses stated the officer's behavior and comments were professional and not inappropriate. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/23/10 **DATE OF COMPLETION:** 09/21/10 **PAGE#** 1 of 1

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

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

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

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

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

FINDINGS OF FACT: The officer stated he did not hear the complainant ask for his name or star number. The witness officer did not hear any interaction between the named officer and the complainant. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/23/10 **DATE OF COMPLETION:** 09/09/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was cited for talking on her cellular phone while driving, but denied talking on her cellular phone while driving. The complainant provided her cellular records and there is no record of any telephone calls made at the time. The complainant's sister was in the car at the time of the citation. The complainant's sister also provided her cellular phone records and there was a telephone call made near the time of the citation, but the complainant stated that call was made before they got into her car. The officer stated the complainant was on a cellular phone while driving her vehicle and was able to describe the cellular phone. A witness officer did not observe the complainant on her cellular phone. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated she felt the officer conducted a traffic stop on her due to her ethnic background. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/10 **DATE OF COMPLETION:** 09/21/10 **PAGE** #1 of 1

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

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

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

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

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

FINDINGS OF FACT: The complainant called SFPD dispatch non-emergency. In her complaint she questions the officer's response time. Department records show that the dispatched call was logged as a "C" priority call. Department records further show that the responding officers arrived within 6 minutes after being dispatched. The officer's actions were proper and within department policies and procedures.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/10 **DATE OF COMPLETION:** 09/22/10 **PAGE# 1 of 1**

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 called police because her neighbor had complained about noise coming from her apartment. The complainant alleged the officer made inappropriate comments regarding her mental state instead of listening to her issue about the noise complaint. The officer and his partner denied the allegation. There were no 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: 06/29/10 **DATE OF COMPLETION:** 09/21/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the named officer cited him for eating on a Municipal railway train. The complainant admitted that he was eating on the train. When the complainant went to pay the citation, a clerk at the counter told him he had been cited for smoking on the train. The complainant believes the officer misrepresented the truth by citing him for smoking when in fact he had not been smoking. Court documents establish that the complainant was cited for eating on a Municipal railway train and not for smoking. The evidence established that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the named officer cited him for eating on a Municipal railway train. The complainant admitted that he was eating on the train. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/09 **DATE OF COMPLETION:** 09/03/10 **PAGE #**1of 1

SUMMARY OF ALLEGATION #1: The officer neglected his duty.

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

FINDINGS OF FACT: The named officer was on duty on the date in question, patrolling alone as a field sergeant, according to Department records. The named officer has retired and is no longer subject to the jurisdiction of the Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

SUMMARY OF ALLEGATIONS #1: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer was intimidating her by giving her crazy looks, smirks, funny faces, rolling his eyes, laughed and mocked her. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/19/10 **DATE OF COMPLETION:** 09/29/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer made a rude comment and used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer made a rude comment and used profanity. The named officer denied the allegation. The named officer's partner denied that the named officer made the statements attributed to him. No witnesses to the incident were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2 & 3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that a car he had honked at followed him and its occupants cursed at him. A passenger exited this car and kicked the complainant's window but did not break it. The complainant called the police and told the two officers who responded what had happened. By this time, the man who kicked his window was gone. One of the officers told the complainant that because there was no damage to the complainant's vehicle, there was nothing they could do.

The named officers stated that the complainant told them a man hit the window of his taxi with his arm, but did not provide any description of this individual other than sex and race, did not tell them the man got out of a car and did not explain what preceded the man's action. The officers stated they did not observe any damage to the complainant's window.

The first named officer stated that the complainant told them this sort of incident happens to him all the time. When the officers inquired about these prior altercations, the complainant got upset, got into his taxi and drove away. The first named officer stated that he did not recall the complainant asking them to take any specific action and that the complainant abruptly left the scene without giving them any additional information about the man who struck his taxi.

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SUMMARY OF ALLEGATION #2 & 3: Continued

The second named officer stated that either he or his partner told the complainant that because there was no damage to his taxi, no crime had been committed. He stated that the complainant then became angry and drove off. He stated that the complainant did not specify any action he wanted the officers to take.

Department communication records indicate that the complainant called police and reported that a white male nearly broke his taxi's window, but did not provide any further description of this individual. The complainant said something to the communications operator about a vehicle license plate, but did not provide a plate number, and this information was not relayed to the responding officers. No witnesses to the incident were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/19/10 **DATE OF COMPLETION:** 09/15/10 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 7, 2010.

SUMMARY OF ALLEGATION #2: The officer searched 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 September 7, 2010

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DATE OF COMPLAINT: 07/19/10 **DATE OF COMPLETION:** 09/15/10 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 7, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/30/10 **DATE OF COMPLETION:** 09/29/10 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The investigation revealed that the action complained of did not involve a sworn member of the Department. The complaint was referred to the Internal Affairs Division.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/10 **DATE OF COMPLETION:** 09/03/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complainant raises matters not within OCC's jurisdiction. The complaint has been referred to:

Commanding Officer/Officer In Charge
Records Room
San Francisco Police Department
850 Bryant Street, Room 475
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/06/09 **DATE OF COMPLETION:** 09/13/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1/2: The officers used excessive force under color of authority.

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

FINDINGS OF FACT: The complainant alleged that the officers used excessive force on his son while the latter was under police custody. The officers denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/07/10 **DATE OF COMPLETION:** 09/23/10 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: 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.

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant alleged that the Department failed to take required action. The complainant said her car got towed on June 26, 2009. She requested a tow hearing but her request was denied without her having the opportunity to speak and attend the hearing. The Department's Tow Hearing Procedure provides that the complainant could make her request in person, in writing or by telephone within 30 days from the date of the tow. The evidence shows that the complainant made her request in writing within the time required. The evidence further shows that the Department has no clear policy or procedure regarding tow hearing requests made in writing. OCC therefore recommends a change in the Department's current Tow Hearing Procedure.

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

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

FINDINGS OF FACT: The complainant alleged that the Department failed to take required action by negligently failing to monitor the "No Parking" signs that were posted in front of the City Hall on June 26, 2009. The complainant said homeless persons removed the signs resulting to her car getting towed. In his response, the Event Officer from Northern Station stated that all the signs were properly posted and monitored as of June 22, 2009. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/10 **DATE OF COMPLETION:** 09/30/10 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: This allegation raises matters outside 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:

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DATE OF COMPLAINT: 09/23/10 **DATE OF COMPLETION:** 09/27/10 **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: The complaint raises matters not rationally within OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant stated he should not have been detained. The initial officer stated he received a report regarding a description of a robbery suspect and complainant was identified as the robbery suspect. The officer requested identification from the complainant, but he refused and walked away. The complainant admitted he did not comply with the officer's commands and failed to stop when requested. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #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 told him he was going to tell the other officers he was resisting. The complainant said the officer had a smirk on his face at the scene and station. The complainant admitted he yelled and cursed at the officer. The officer denied the allegation. The witness did not observe the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #3-6: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force. The complainant said he had his hands up and was unarmed, but the officers took him to the ground. The complainant admitted he was uncooperative with the officers initially and throughout the incident. The complainant further admitted he was angry, did not calm down, and tried to free himself during his contact with the officers. The officers stated they detained the complainant and took him into custody with the use of control holds, guided the complainant to the ground. The officers said the complainant was uncooperative, resisted, and refused verbal commands. The witness did not observe the incident. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer used a racially derogatory comment toward him. The officer denied the allegation. The witness did not observe the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/07/09 **DATE OF COMPLETION:** 09/22/10 **PAGE# 1 of 4**

SUMMARY OF ALLEGATION #1-2: The officers entered the complainant's residence without justification.

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

FINDINGS OF FACT: The officers had a properly documented and legal search warrant signed by a judge of the San Francisco Superior Court for the residence of the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION # 3-4 : The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officers had a properly documented and legal search warrant signed by a judge of the San Francisco Superior Court for the residence of 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: 10/07/09 **DATE OF COMPLETION:** 09/22/10 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The officers had a properly documented and legal search warrant signed by a judge of the San Francisco Superior Court for the residence of the complainant. The search warrant involved an ongoing investigation of a series of strong-arm robberies. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #7-8: The officers detained the complainant and residents without justification.

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

FINDINGS OF FACT: The officers had a properly documented and legal search warrant signed by a judge of the San Francisco Superior Court for the residence of the complainant. The search was conducted lawfully and residents were justifiably detained to conduct and complete the search warrant service. 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: 10/07/09 **DATE OF COMPLETION:** 09/22/10 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #9-10: The officers handcuffed detainees without justification.

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

FINDINGS OF FACT: The officers stated the suspect was arrested for an outstanding warrant and handcuffed. One of the detainees was handcuffed due to her agitated state and volatile behavior. The complainant acknowledged the handcuffed detainee became agitated with the officers. The officers had a properly documented and legal search warrant signed by a judge of the San Francisco Superior Court for the residence of the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #11-12: The officers seized property from the residence.

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

FINDINGS OF FACT: The officers had a properly documented and legal search warrant signed by a judge of the San Francisco Superior Court for the residence of the complainant. The search warrant set forth probable cause to lawfully seize property, person(s) and/or things related to the investigation pursuant to Penal Code 1524. The property seized was documented on the Return to Search Warrant, the property receipt and on the incident report. Two of the detainees stated they signed a property receipt for the items seized by the officers. 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 #13-14: The officers failed to present the search warrant.

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

FINDINGS OF FACT: The officer stated he briefly presented the search warrant upon entry and presented the entire search warrant to the complainant at the conclusion of the search. The complainant and detainees/witnesses stated an officer presented the search warrant after the search was completed. The officers had a properly documented and legal search warrant signed by a judge of the San Francisco Superior Court for the residence of the complainant. A search warrant need not be presented to residents during the search. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification. The officers stated they detained the complainant for J-walking and once they admonished him they released him without incident or issuing a citation. There are no independent witnesses to the infraction. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers handcuffed him without cause. The officers denied placing the complainant in handcuffs during the detention. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers searched him during the detention without justification. The officers admitted to searching the complainant for weapons during the detention but felt they were justified because they were detaining the complainant for committing an infraction and searched him for their safety. There are no independent witnesses to the infraction, therefore, it cannot be concluded the search was justifiable. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #7: The officer made inappropriate and threatening comments.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate and threatening comments toward him. The officer denied the allegation. A witness officer did not hear the named officer make any inappropriate or threatening comments to the complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #8: The officer used profanity.

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

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

SUMMARY OF ALLEGATIONS #9-10: The officers failed to comply with Department General Order 5.03.

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

FINDINGS OF FACT: The complainant stated the officers detained him, placed him in handcuffs, and transported him away from the scene. The officers admitted to detaining the complainant but did not comply with Department General Order 5.03 by issuing a Certificate of Release or preparing an incident report regarding the detention because they denied physically restraining or moving the complainant from the scene. An independent witness stated he saw the complainant with his hands behind his back in the back of the police vehicle, and the officers took the complainant away from the scene of the detention. The independent witness had no knowledge of the complainant prior to this incident other than seeing him walk near his store on several occasions while waiting for the bus. The interview of the independent witness was conducted three days after this incident occurred which insured accuracy of his account of this incident. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to comply with Department General Order 7.01.

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

FINDINGS OF FACT: The complainant stated the officers detained him, placed him in handcuffs, and transported him away from the scene. The officers admitted to detaining the complainant but did not comply with Department General Order 7.01 by issuing a Certificate of Release, preparing an incident report regarding the detention, notify the complainant's parents or guardian, or document the starting and ending mileage regarding the transport because they denied physically restraining or moving the complainant from the scene. An independent witness stated he saw the complainant with his hands behind his back in the back of the police vehicle, and the officers took the complainant away from the scene of the detention. The independent witness had no knowledge of the complainant prior to this incident other than seeing him walk near his store on several occasions while waiting for the bus. The interview of the independent witness was conducted three days after this incident occurred which insured accuracy of his account of this incident. 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 #3-4: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the officers detained him, placed him in handcuffs, and transported him away from the scene. In their OCC interviews, both officers denied handcuffing and transporting the complainant away from the scene. An independent witness stated he saw the complainant with his hands behind his back in the back of the police vehicle, and the officers took the complainant away from the scene of the detention. The independent witness had no knowledge of the complainant prior to this incident other than seeing him walk near his store on several occasions while waiting for the bus. The interview of the independent witness was conducted three days after this incident occurred which insured accuracy of his account of this incident. 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: 10/15/09 **DATE OF COMPLETION:** 09/15/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer misused police authority.

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

FINDINGS OF FACT: The complainant was involved in an alleged hit-and-run collision. She was later contacted by an insurance adjustor, who told her the named officer had contacted her, claiming to have been at the scene and stating he saw no damage to the complainant's vehicle. The adjustor corroborated the conversation. The officer stated the other party to the collision approached him and showed him photos on his cell phone of the complainant's vehicle and asked the officer if he saw any damage. Having seen no apparent damage in the photo, the officer then spoke to someone on the cell phone proffered by the party and told the person on the line his opinion of what he had seen. The officer denied telling the person he had been at the scene. There is no recording and no witnesses to the phone conversation. There is insufficient evidence that the officer's actions rise to the level of misconduct.

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

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

FINDINGS OF FACT: The complainant alleged that, at the station, the officer first denied, then acknowledged, but tried to justify interfering in an insurance investigation. The officer denied the allegation. A civilian witness and a witness officer who were present did not recall the specific content of the conversation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer said he arrested the complainant because the complainant was interfering with a police investigation. The complainant denied the alleged conduct. Other officers on scene relied upon the observations of the named member. There were no other identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved in an intimidating manner toward the complainant.

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

FINDINGS OF FACT: The identity of the officer has not been determined. Female officers known to have participated in this police action or who were known to be at the police station when the complainant was brought to the station have denied any involvement or engaging in the behavior alleged by the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was stopped because he is Latino. The officer denied the allegation and said that the complainant was stopped for a traffic violation. The officer further stated he as well is of Latino descent. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate and/or incomplete citation.

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

FINDINGS OF FACT: The complainant alleged that the citation contained inaccurate information. The Office of Citizen Complaint's investigation established that the error on the citation did not rise to a level of misconduct and that there was no evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to the complainant or others. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/28/09 **DATE OF COMPLETION:** 09/16/10 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer issued a citation due to bias.

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

FINDINGS OF FACT: The officer denied the allegation and said that the complainant was cited for a traffic violation. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in this complaint.

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

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 prove or disprove the allegation made in this complaint.

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DATE OF COMPLAINT: 10/28/09 **DATE OF COMPLETION:** 09/16/10 **PAGE#** 3 of 3

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to record the E585 Traffic Stop Data entry.

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

FINDINGS OF FACT: The San Francisco Police Department Bulletin 08-268 mandates that members enter traffic stop data into the mask provided on their MDT on all traffic stops. The officer admitted that he did not enter the required entry. Based on the officer's own testimony, the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant broke down her sister's front door and assaulted her. The complainant repeatedly struck her sister and tore out chunks of her hair, causing her bleeding injuries. The complainant's 17-year-old nephew attempted to intervene. The complainant attempted to strike her nephew. The nephew called 911. Numerous officers arrived on scene. During their investigation, the named officers observed the broken front door, clumps of the victim's hair at the scene, spoke to both victims and photographed the crime scene. The victims signed citizens arrest forms. The officers arrested the complainant at the scene. The OCC independently interviewed the victims, reviewed the evidence and interviewed the officers. The officers denied the allegation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant is involved in an acrimonious custody battle with her former domestic partner, a San Francisco Police Department member and parent of her daughter. The complainant alleged her sister improperly surrendered her daughter to her other parent. When the complainant learned the surrender occurred, she became enraged and assaulted her sister. The complainant alleged the officers failed to properly investigate the facts and legalities surrounding the surrender of her daughter. The complainant alleged her former partner cited the visitation terms of an invalid stipulation to her sister and improperly coerced her sister into surrendering her daughter. The officers denied the allegation. Both stated that they investigated and spoke to the involved parties and witnesses. The witnesses said the complainant was venting her frustration about the custody matter. The officers learned that both parents already had knowledge of the surrender and had a court hearing on the following day.

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SUMMARY OF ALLEGATION #5: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated the officer, her former domestic partner, misused his police authority to improperly influence on-duty officers in the performance of their duties. She said that but for the named officer's alleged misuse of his authority, the arresting officers would have released her or only charged her with misdemeanors after detaining her for assaulting her sister. The arresting officers denied that aspect of the allegation. The complainant's sister was visibly injured and the officers were required to arrest the complainant. The complainant further stated the named officer improperly influenced her sister into surrendering their daughter to him, citing an unsigned stipulation that required their daughter's return. The named officer denied the allegation. Some of the named officer's contact with the complainant's sister took place while the officer was on duty. The other witness at the scene was inattentive. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged the officer did not remain in his assigned district. She said he improperly left the district. The evidence proved the act by the member was justified by Departmental regulation; however, the OCC recommends a change in the particular regulation.

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SUMMARY OF ALLEGATION #7: The officer misused San Francisco Police Department property.

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

FINDINGS OF FACT: The complainant stated the officer misused a San Francisco Police Department marked patrol vehicle for a personal errand. The officer admitted he used a marked San Francisco Police Department vehicle to pick up his young daughter while he was on duty, in violation of DGO 10.10. 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 arrested the complainant without cause

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

FINDINGS OF FACT: The complainant denied having a physical fight with his brother and stated his brother called police saying he was armed with a knife. The officer stated based on the evidence (the victim's statement, the laceration to the victims hand, and the weapon) he arrested the complainant. The complainant's brother refused to be interviewed. The incident report contains a statement from the complainant's brother documenting the physical fight and the injury . The 911 call corroborates that the reportee stated that the complainant's brother was cut with a knife. The officers' had probable cause to make the arrest.

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

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

FINDINGS OF FACT: The complainant stated he was searched. The officer stated he did a pat search for weapons for officer safety due to the nature of the call. The officer searched the complainant incident to arrest. The officer's actions were consistent with department policies and procedures.

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

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

FINDINGS OF FACT: The complainant stated that without warning he was thrown to the ground and several officers jumped on his back and had one knee to his head and another knee on his shoulder to handcuff him and lifted by the handcuffs. The complainant stated the officers aggravated an injury to his left shoulder. The officers denied the allegation. The complainant's brother refused to cooperate with the OCC investigation and another witness stated he did not recall this particular incident. Medical records, CAD and the Medical Screening form document that the complainant was evaluated and treated for pain to his shoulder. There were no other witnesses. There is insufficient evidence to prove or disprove that the complainant's shoulder pain of an existing past injury was aggravated due to the handcuffing process or the complainant's physical fight with his brother.

SUMMARY OF ALLEGATION #5: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he was told to "shut-up cry baby" when he insisted on a Spanish speaking officer. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officers used profanity.

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

FINDINGS OF FACT: The complainant said the officers used profanity towards him. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officers engaged in biased policing due to national origin.

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

FINDINGS OF FACT: The complainant stated that when he requested a Spanish-speaking officer he was told, "This is America, speak English. You have been here for 20 years. Speak English." The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant stated he was never provided a Spanish-speaking officer. The officer denied the allegation. The officer stated that the complainant was provided a Spanish-speaking officer to inform him of the charges and EPO. The CAD documents that there were two officers on scene present who are certified Spanish speakers. An officer stated he was asked to translate the EPO and charges to the complainant. The Incident Report documents that a translator was utilized for this incident per DGO 5.20. requirements.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he should not have been arrested. The complainant said he was leaving a friend's residence when the police confronted him. The officers stated they responded to a prowler call. The officers said the complainant fled on foot and refused to obey verbal commands to stop. One of the officers witnessed the complainant in possession and attempted concealment of a firearm during the foot pursuit. The officers subsequently placed the complainant under arrest for carrying a concealed weapon in violation of 12021, 12020, and 12025 Penal Codes. The witness has not responded to OCC requests to provide a statement. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer tussled with him while he was handcuffed. The complainant said the officer told him to shut up and covered the complainant's mouth. The complainant further alleged that an unknown officer commented that the complainant was playing games and that they should stick him in the heart with a needle. The officer denied the allegation. The witness has not responded to OCC requests to provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS # 5-7: The officers displayed their firearms at the complainant.

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

FINDINGS OF FACT: The complainant said he was exiting his friend's residence when officers drew their firearms at him. The officers admitted they drew their firearms at the complainant, because he fled on foot, disobeyed verbal commands to stop, and hid from them. The officers said firearms associated with the complainant were found nearby. The witness has not responded to OCC requests to provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #8-11: The officers used force during their contact with the complainant.

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

FINDINGS OF FACT: The complainant stated the officers tussled with him, struck his head on the ground, tried to shut him up by covering his mouth. The officers denied the allegation. The witness has not responded to OCC requests to provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS # 12-13: The officers failed to loosen tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated his handcuffs were on too tight and he asked the officer to loosen them, but the named officer refused. The complainant said he asked other officers at the station to loosen his handcuffs but no one did. The officers involved in the complainants arrest along with station duty officers were questioned and all have denied the allegation. The witness has not responded to OCC requests to provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers searched the complainant's hotel room and person without justification.

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

FINDINGS OF FACT: The complainant stated the officers entered his hotel room, and searched him and his room without justification. The officers admitted to the entry and the search of the complainant and his room due to observing the complainant conduct an alleged drug transaction. The complainant is on probation and has a search clause. 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 #4-5: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers arrested him without cause. The officers admitted to arresting the complainant due to observing the complainant conduct an alleged drug transaction. There were no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #6-8: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The complainant stated when the officers entered his hotel room that they failed to identify themselves as police officers. 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 #9-10: The officers comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers made inappropriate comments and displayed inappropriate behavior. 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.

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SUMMARY OF ALLEGATION #11: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officer removed money from his person during his arrest and gave it to another officer. The complainant further stated the money was never returned to him. The named officers admitted to taking the money from the complainant's person and giving it to her supervisor, and the supervisor stated he placed the money in the complainant's jacket pocket that remained in his room and did not accompany him to the district station. The supervisor further stated the complainant's room was locked and secured when they departed. 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 #12: The officer used excessive force.

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

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

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SUMMARY OF ALLEGATION #13: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated when he was arrested the officer took his property out of his hotel room, but it was never returned to him. The officer admitting to taking the complainant's property from his hotel room but did not remember what he did with the complainant's property. The complainant's property was never booked as evidence at the district station. Hotel surveillance videotape showed the officer carrying the complainant's property out of the complainant's hotel room and the officer is the last person seen with the complainant's property. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. He denied being in the vicinity of a particular location when an officer tried to perform a traffic stop on his vehicle. He admitted that when an officer tried to detain him, he pulled away from his grasp, delaying the police investigation. There were two witnesses. One of the witnesses said the complainant walked up to his car, asked what the officers wanted with it, tried to get in and drive away. Both witnesses said the officers tried to detain or arrest the complainant, but he pulled away from them. The witnesses did not see what happened prior to the complainant's arrest. One officer heard a radio description of the complainant evading a traffic stop, and heard the description of the fleeing car. This same officer saw the complainant speed past him. The complainant's car matched the description broadcast over the air. The officer met several other officers at the same car parked nearby. The officers discovered the car engine was warm and confirmed this was the car belonging to the driver evading the traffic stop. A man with the same physical description and wearing the same clothing walked up to the car and claimed to own it. The officer who saw the man driving it earlier told two other officers to take the driver into custody, stating he was the person who matched the description of the person who had evaded a traffic stop. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #4-5: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated the officers grabbed his arms and threw him face down on the hood of a car, banging his head several times. The complainant complained of injuries to his face, hands and arms at the station. Witnesses saw officers in the vicinity of the complainant's parked car. When the complainant identified the car as belonging to him, the officers immediately tried to handcuff him. The complainant admitted he resisted police efforts to handcuff him. One witness stated the complainant tried to get in his car and drive away. One witness said the officers kicked the complainant, took him to the ground and then slammed him onto the hood of a car. The officers denied the allegation. They first tried to handcuff the complainant using an academy approved technique, which failed. They then attempted to use another technique, but that failed when they had to temporarily release the complainant, due to a possible officer safety threat. The officers forced the complainant face down onto the hood of a car, where they successfully handcuffed the complainant. There is insufficient evidence to establish the level of force necessary to arrest the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/09 **DATE OF COMPLETION:** 09/16/10 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #6: The complainant's car was towed and searched without cause.

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

FINDINGS OF FACT: The complainant stated his car was searched and towed without cause. The officer stated the tow was incident to the complainant's arrest for reckless driving, and the search was an inventory search.

SUMMARY OF ALLEGATION #7: 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 that while they were cuffed to the bench at a police station, one of the arresting officers said while he was neither racist or prejudiced, the complainant was "the one." The officer allegedly called the complainant a "nobody," and informed the complainant that while he was still seated on the bench, he [the officer] was going home to his family. The co-complainant overheard a similar statement but was unable to identify or sufficiently describe the officer. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/09 **DATE OF COMPLETION:** 09/16/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #8: The officer arrested the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated he was arrested without probable cause. He stated he saw officers taking the complainant into custody where his car was parked. The co-complainant asked the officers why they were taking these actions. The officers told the co-complainant that the complainant had evaded them. A witness stated the co-complainant saw officers taking the complainant into custody and approached the scene of the arrest. The witness said the complainant received a warning from an unidentified police officer to not interfere. The named officer denied the allegation. He stated the co-complainant approached the scene of the complainant's arrest three times and tried to approach one of the arresting officers from the back. He stated on the third time, he pushed the co-complainant to the ground and held him there until he had to let him go due to the encroaching crowd. He later saw the co-complainant and arrested him for violating Penal Code section 148. The arresting officer did not have appropriate prisoner transport and had another unit transport the co-complainant. There is insufficient evidence to establish whether or not the actions of the co-complainant constituted criminal interference.

SUMMARY OF ALLEGATION #9-10: The officers used unnecessary force in the arrest of the co-complainant.

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

FINDINGS OF FACT: The co-complainant alleged two officers pushed him to the ground without justification. As the co-complainant's friend was being arrested by police, the co-complainant stated he tried to tell the arresting officers his friend had not evaded police. A witness stated the co-complainant approached within four feet of the officers while they contacted the co-complainant's friend and was taken to the ground by two officers. The witness further stated the co-complainant was yelling obscenities at the officers and demanding that they let his friend go. The officer denied the allegation. He stated the co-complainant made a "beeline" for one of the officers while he had his back turned and was placing a suspect under arrest. The officer further stated backup had not arrived and that he held the co-complainant on the ground alone until he was obliged to let him go, due to an approaching crowd. The officer later relocated and arrested the co-complainant. There is insufficient evidence to establish the level of force necessary to arrest the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/09 **DATE OF COMPLETION:** 09/15/10 **PAGE # 1 of 1**

SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant and his mother stated the complainant's brother was not driving the car when he was detained by the officers. The officers stated that the complainant's brother was observed driving the car and that he had committed California Vehicle Code violations, which led to his detention and eventual arrest for using a false identification. The complainant admitted his brother used a false identification. The evidence developed during the course of the investigation show that the officers' actions were lawful and proper.

SUMMARY OF ALLEGATIONS #4-5: The officers towed the complainant's car without cause.

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

FINDINGS OF FACT: The complainant and his mother stated the complainant's brother, an unlicensed driver, was not driving the vehicle. The officers stated they observed the complainant's brother driving the vehicle. STOP regulations in force at the time required the officers to tow the vehicle. The evidence developed during the course of the investigation show that the officers' actions were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/09 **DATE OF COMPLETION:** 09/16/10 **PAGE # 1 of 3**

SUMMARY OF ALLEGATION # 1: The officer drew his firearm without probable cause.

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

FINDINGS OF FACT: The complainant said a United States Secret Service Special Agent detained and released him in front of his residence, and allowed him to return into his residence. Therefore, the complainant alleged the same San Francisco Police Department officer detained him at gunpoint without probable cause in the backyard when he opened the rear screen of his unit. The officer stated that he was assigned to cover the rear perimeter of the residence with a Special Agent and they were told to stand by as other Special Agents searched and initially cleared all the upper residence room for suspects. The officer and his partner stated that no Special Agent in front of the residence announced to the officer and Agent in the backyard that the complainant had been previously detained and cleared in front of the property. The operation involved the service of three Federal arrest warrants on three subjects inside the same building where the complainant resides. The officer's action was lawful and proper under the circumstances.

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

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

FINDINGS OF FACT: The complainant said a U.S. Secret Service Special Agent detained and released him in front of his residence, and allowed him to return into his residence. Therefore, the complainant alleged the named SFPD officer detained him without justification in the backyard after he opened the rear screen of his unit. The officer stated that he was assigned to cover the rear perimeter of the residence with a Special Agent and were told to stand by as other Special Agents were going to search an in law room downstairs after the Agents had initially cleared all the upper rooms for suspects. The officer and his partner stated that no Special Agent in front of the residence announced to the officer and Agent in the backyard that the complainant had been previously detained and cleared in front of the property. The operation involved the service of three Federal arrests warrants on three subjects inside the same building where the complainant resides. The officer's action was lawful and proper under the circumstances.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/09 **DATE OF COMPLETION:** 09/16/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant said he complied with the officer's verbal commands to lie prone on the ground with his hands spread above his head but the officer still landed with all his body weight on the complainant's back. The officer denied the allegation and stated that the complainant only got on his knees, hesitated to lie prone on the ground, and resisted minimally when he had to execute an academy prone handcuffing technique in order to get the complainant prone on the ground. The United States Secret Service did not respond to multiple requests for an interview of the witness Special Agent in the backyard during this detention. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to prepare an accurate and complete report.

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

FINDINGS OF FACT: The evidence established there was a United States Secret Service Special Agent in the backyard who assisted and witnessed the officer detain the complainant, but the detaining and reporting officers failed to inquire about his identity include him as a percipient witness in the investigative detention incident report regarding the complainant. The preponderance of the evidence established that the officers acted neglectfully in violation of DGO 2.01 and the Academy Report Writing Manual Sections 3, 4, and 10.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/09 **DATE OF COMPLETION:** 09/16/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer failed to enter a use of force log entry.

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

FINDINGS OF FACT: The sworn member is no longer a member of the Department.

SUMMARY OF ALLEGATION #4: The officer failed to properly supervise.

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

FINDINGS OF FACT: The sworn member is no longer a member of the Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/09 **DATE OF COMPLETION:** 09/24/10 **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 evidence shows that the complainant was arrested for theft of property. The evidence further shows that the complainant snatched the victim's cell phone and ran away with it. During the cold show, the victim positively identified the complainant as the one who stole her cell phone. The cell phone and its cover were recovered from the complainant during the search incident to arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. The officers were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force. The complainant said that while walking on the street, police officers showed up and assaulted him for no reason. One of the officers that was questioned stated that while placing the complainant in handcuffs, the complainant shoved his right hand into his waistband. The officer grabbed the complainant's hand and tried to pull it out. The officer ordered the complainant to take his hand out from his waistband, but the complainant refused. The officer stated the complainant was non-compliant. He thought the complainant was going for a gun or a knife. The officer stated, fearing for his safety he struck the complainant once in the head with a closed fist. The complainant ceased his resistance and the officer was able to handcuff the complainant.

No witnesses were identified. There is no evidence that the complainant was injured after being struck. Although in his mug shot the complainant appeared to have sustained injury on his left eye, there is no evidence that the officer had caused it. In his letter complaint, the complainant stated that he was also assaulted by jail deputies and police officers at the County Jail where he was brought in. The other officers that were questioned denied the allegation. The named member documented his use of force. The evidence is insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/09 **DATE OF COMPLETION:** 09/24/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4-5: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant was transported from the scene of his arrest to the district station by the named officers. He alleged that the officers used unnecessary force. The officers denied the allegation. There were no witnesses. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/23/09 **DATE OF COMPLETION:** 09/21/10 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer conducted a cavity search without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer conducted a body cavity search on her without cause. . The complainant stated that the officer made her bend over and squat. The officer then conducted a body cavity search of her vagina from behind as she was bent over forward. The complainant said the officer pointed a flashlight at her vagina and spread her vagina's lips apart with her fingers, looking at it. The officer denied the allegation. The officer stated what she conducted was a strip search. She denied touching the complainant's vagina or any part of it during the search. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer conducted an improper search.

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

FINDINGS OF FACT: The evidence shows that the officer conducted a strip search on the complainant. The strip search was well documented in the Incident Report. The complainant is on probation with search condition until 2012. The complainant had previously been arrested for possession of narcotics, and one of her prior arrests was made by the officer. The evidence also shows that the officer obtained authorization from her supervisor prior to the strip search. The authorization was well documented, with reason for the search clearly indicated. The officer stated she had reasonable suspicion that the complainant was hiding narcotics in her genital area, and that the search would yield the narcotics. The evidence shows that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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DATE OF COMPLAINT: 11/23/09 **DATE OF COMPLETION:** 09/21/10 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3-4: The officers threatened the complainant with arrest.

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

FINDINGS OF FACT: The complainant alleged that the officers threatened to arrest her if she would not provide the officers with information regarding drug dealers. The officers denied the allegation. The officers stated the complainant was cooperative and willing to provide such information during the contact. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/09 **DATE OF COMPLETION:** 09/07/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was not present, but alleged from what her son and his girlfriend told her that three officers outside Walgreen's were nasty to a homeless young man. None of the aforementioned percipient witnesses responded to Office of Citizen Complaints requests for an interview. The officer denied the allegation, and stated that he was professional and helpful to the young man. Surveillance footage showed the African American man was contacted inside Walgreen's and escorted out exclusively by the named officer without incident. A second officer who responded near the end of this call could not verify or deny what occurred prior to his arrival. A witness to the officers' response, who remained inside the store, could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was not present, but alleged from what her son and his girlfriend told her that three officers told a homeless man to move on, and to get off the street corner. None of the aforementioned percipient witnesses responded to Office of Citizen Complaints requests for an interview. The officer denied the allegation. A second officer, who responded near the end of this call, denied the allegation, and stated that he could not verify or deny what the named officer said prior to his arrival. A witness to the officers' response, who remained inside the store, could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/18/09 **DATE OF COMPLETION:** 09/07/10 **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 was not present, but alleged from what her son and his girlfriend told her that a homeless man told several officers that he did not have anywhere to go, asked to be taken to a shelter, and that the officers were nasty to him. The responding officers denied the allegation, and stated that there was no such statement or request made. Another witness on scene could not verify or deny the allegation. Although the homeless man made unusual statements to a dispatcher, there was insufficient evidence to establish whether or not the man was homeless or in need of police assistance. 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: 12/03/09 **DATE OF COMPLETION:** 09/30/10 **PAGE#** 1 of 2

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 that he was not using a cell phone while driving and the officer cited him without any legitimate reason. The named member stated that she cited the complainant for this CVC violation because she observed him using a cell phone while driving a vehicle. The officer's partner stated that he did not see the violation and was advised of it by the named member. There were no other identifiable witnesses to this police contact. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officer was verbally aggressive and acted in an inappropriate manner during the traffic stop. The named member denied acting in the alleged manner. The officer's partner supported this statement. There were no other identifiable witnesses to this police contact. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/09 **DATE OF COMPLETION:** 09/30/10 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to accurately document the incident.

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

FINDINGS OF FACT: The complainant stated that the officer's entry in the relevant CAD (computer assisted dispatch) inaccurately reflected the events of this incident. The named member stated that her entry in the said CAD accurately described the complainant's traffic violation. The named member's partner stated that he did not observe the violation and learned about it from the named member. There were no other identifiable witnesses to this police contact. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/03/09 **DATE OF COMPLETION:** 09/16/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer grabbed the complainant's arm.

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

FINDINGS OF FACT: The complainant stated the officer grabbed him by his arm almost knocking him off his skateboard. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/09/09 **DATE OF COMPLETION:** 09/20/10 **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 said there was no probable cause for his domestic violence arrest. The victim did not respond to Office of Citizen Complaints requests for an interview. The officers and sergeant stated that there was sufficient cause to arrest the complainant for domestic violence based on the statements from both spouses coupled with the visible scratches on the victim's neck and her torn blouse. Although the District Attorney discharged the arrest and declined to prosecute the complainant due to the lack of corroboration, the preponderance of the evidence established that the officer had probable cause to affect the arrest. Therefore, his actions were lawful and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to take required action and properly investigate.

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

FINDINGS OF FACT: The complainant said he told officers that his spouse was drinking an alcoholic beverage with another man inside his vehicle, the complainant was concerned his wife would drive to pick up their children while under the influence of alcohol, but that the officers did nothing about it. The officers stated they saw empty sample liquor bottles inside the passenger compartment, which the victim said had been there for days, but that neither the victim nor the suspect had alcohol on their breath. The officers further stated that the victim had no objective sign of intoxication or any contact information on the male previously inside the car with the complainant's wife. The male that was with the complainants wife, left the scene before the officers arrival. The victim did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/22/09 **DATE OF COMPLETION:** 09/09/10 **PAGE#** 1 of 3

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 did not deny he and his companions were jaywalking. He stated he was not paying attention to the pedestrian light on the crosswalk when he and his companions were crossing the intersection. The officers stated that they saw the complainant and company violate 21456(b) C.V.C. by walking onto the crosswalk when the red hand was displayed. Three witnesses with the complainant did not respond to OCC requests for an interview. The preponderance of the evidence established that the complainant broke the law and that the officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: The complainant initially stated that the clothing items in his possession when he was arrested were not stolen but gifts from his domestic partner. However, the complainant pled guilty to the arrest charge approximately two months after filing this complaint. The officer and his partner established that several clothing items worn and carried by the complainant during this incident still had clothing store price tags on them. The complainant's witnesses did not respond to OCC requests to be interviewed. The preponderance of the evidence established that the complainant was in possession of stolen items from a clothing store. Therefore, the officer's actions were lawful and proper.

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DATE OF COMPLAINT: 12/22/09 **DATE OF COMPLETION:** 09/09/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged the officer pulled his outer pants down to his knees during his parole search, and later refused to pull them up while the complainant was handcuffed. The officer and his partner denied the allegation. Three witnesses did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer made a sexually derogatory remark during his arrest. The officer and his partner denied the allegation. Three witnesses did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/09 **DATE OF COMPLETION:** 09/09/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #6-7: The officers failed to write a complete and accurate incident report.

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

FINDINGS OF FACT: The complainant initially alleged that the incident report inaccurately reported that he was in possession of a brown jacket with a price tag still on it when he was arrested. However, the complainant pled guilty to the arrest charge approximately two months after filing this complaint. The preponderance of the evidence established that several clothing items either worn or carried by the complainant still had price tags on them. Therefore, the officers' actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/09 **DATE OF COMPLETION:** 09/28/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer verbally directed him to pull over for no reason. The named officer and his partner stated they observed the complainant commit a moving violation while riding his bicycle. No witnesses came forward. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that because he called the officer an "Asian cop" he was handcuffed and arrested for a hate crime. The complainant alleged that without warning or provocation the officers handcuffed him. The named officer and his partner stated the reason for the complainant's arrest was because the complainant threatened to kill them. There is insufficient evidence to either prove or disprove the allegation. No witnesses came forward.

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DATE OF COMPLAINT: 12/22/09 **DATE OF COMPLETION:** 09/28/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3-4: The officer acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers acted inappropriately and made inappropriate comments. Both officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4-5: The officers used excessive force while the complainant was in their custody.

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

FINDINGS OF FACT: The complainant stated the officers attempted to break his fingers, wrist and clavicle while he was in custody at the station. The officers denied the allegation. The station keeper denied the allegation and further stated he summoned an ambulance when the complainant complained of injury. The medical records were inconclusive. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/10 **DATE OF COMPLETION:** 09/03/10 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer refused to make a citizen's arrest and refused to take a report. The named officer stated hospital staffers had committed no crimes and that she did prepare a report. The medical records of the complainant did not support her accusations against hospital staff. Department records showed that the named officer did write an incident report. The evidence proved the acts that formed the basis for the allegations occurred, but that such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officers present during this incident denied the allegations. No other witnesses came forward. There was insufficient evidence to either identify the officer involved or to prove or disprove the allegations.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating he had no recollection of the complainant speaking to him on the phone or requesting that he call her on the phone. 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 cited the complainant without justification.

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

FINDINGS OF FACT: An officer performed a traffic stop on the complainant's car. It had no tags, and a non-functioning brake light. At the time of the stop, the complainant stated to the OCC that he had resided and worked in California for over a month with his family. During the traffic stop, the complainant presented the officer with an out of state driver's license. During his investigation, the officer obtained the same information from the complainant. The complainant, by law, had already established California residency and was required to obtain a California driver's license. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: An officer performed a traffic stop on the complainant's car. The complainant stated to the OCC that he had resided and worked in California for over a month with his family and told the police officer the same thing. When he presented the officer with an out of state driver's license, the officer learned the complainant had never had a California driver's license. The complainant was presumed to have established California residency, was required to obtain a California driver's license because his out of state license was invalid in California. As a result, the officer was required to tow the complainant's vehicle. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer screamed at him during their contact, yelling at him to sign the citation. 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 #4: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant alleged the officer used unnecessary force during the course of a traffic stop. The officer issued the complainant a Notice to Appear and the complainant refused to sign the citation. The complainant alleged the officer pushed him to the ground. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that an officer pulled him over for a traffic stop and that he refused to sign the citation at the scene because he had a valid out of state license. The complainant admitted residency in California. The officer told the complainant his out of state license was invalid because he was now a resident of California and residency in California requires a California license. The officer classified the complainant as a refusal. The officer handcuffed the complainant and contacted backup officers to transport him to a police station, where he would be booked for violation of California Vehicle Code (CVC) sec. 12500a. If the driver signs the citation, he promises to appear on the appointed date without admitting guilt and may be released. SFPD's policy for violations of CVC sec. 12500a is to cite and release the driver, unless he refuses to sign the citation. Should the driver refuse to sign, the officer must follow DGO 5.06, Citation and Release. The officer followed procedures, including handcuffing. After he was handcuffed, the complainant decided to sign the citation. The officer uncuffed the complainant. The officer cited and released the complainant. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officers detained him without justification. The officers stated they detained the complainant for being drunk in public. The complainant acknowledged that he was “drunk” when he was arrested and transported to the police station. The evidence shows that the complainant was intoxicated and unable to care for himself. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force. The officers denied the allegation. Photos taken of the complainant during his OCC interview show that he had a scar on the right side of his face. The medical screening form, however, shows that the complainant had no open wounds and no signs of head injury when brought to the station. A witness to the contact could not tell whether or not the officers used force on the complainant. No other witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to process his property. The complainant stated that except for his iPhone, all of his property was returned to him upon his release from jail. The complainant stated he lost his iPhone as a result of the incident. The officers that were questioned denied the allegation. The officers denied taking or noticing any iPhone from the complainant. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainants said they were talking and having breakfast in a restaurant when the officers approached and arrested them without cause. The officers stated they were conducting a surveillance operation in an area known for widespread illegal drug activity, and articulated reasons for the arrests. One of the officers saw the complainants engage in suspicious behavior indicative of selling illegal drugs to purchasing customers. Furthermore, the officer recognized one of the complainants from previous encounters and knew the complainant had a criminal record involving several arrests for illegal drugs. There is no independent evidence that the complainants were engaged in activity described by the officers. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers handcuffed the complainants without justification.

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

FINDINGS OF FACT: The complainants said the officers did not have any reason to place them in handcuffs. The officers acknowledged handcuffing the complainants and stated the handcuffing was part of their normal procedure pursuant to an arrest. Furthermore, one of the officers stated the handcuffing was done for reasons of officer safety, since the officer knew one of the complainants had a lengthy criminal record. There is no independent evidence that the complainants were engaged in activity described by the officers that would necessitate the complainants being handcuffed. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5: The officer strip-searched the complainants without cause.

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

FINDINGS OF FACT: The complainants said the officer had no right subjecting them to a strip search. The officer said it is quite common for arrested suspects to conceal drugs on their person. The officer briefed a higher-ranking officer about the facts of this incident and requested the higher-ranking officer approve a strip search. Based on the facts presented by the officer, the higher-ranking officer approved the strip search. However, there is no independent evidence that the complainants were engaged in activity described by the officers that would necessitate the complainants being strip-searched. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainants said the officer laughed during the booking process and joked about property belonging to one of the complainants. The officer denied these allegations. Other officers who were present or near the booking area said they did not hear the officer make inappropriate comments or display inappropriate behavior. No independent witnesses were developed to substantiate the complainants' allegation. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-8: The officers engaged in retaliatory behavior.

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

FINDINGS OF FACT: One of the complainants said she has had multiple contacts with the officers. The complainant filed a previous complaint of harassment against one of the officers. The complainant said the officer specifically told her that she (the complainant) was being arrested for filing an OCC complaint. The officers denied these allegations and articulated reasons for arresting the complainants on this occasion. No independent witnesses were developed to substantiate the complainant's allegation. 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 conducted himself in an inappropriate manner.

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

FINDINGS OF FACT: The officer has separated from the department and is no longer subject to department discipline. All potential witnesses were questioned and all either had no recollection of the incident or denied witnessing the alleged contact and behavior.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: Each of the documented incidents in question were reviewed with the officer and on each occasion the officer articulated reasonable suspicion to detain the complainant as documented in the incident reports. Numerous contacts alleged by the complainant are not documented and the officer had no recall of them. On several of the occasions the complainant was on probation with a search condition. However, due to the numerous encounters between the complainant and the officer there is insufficient evidence to determine that all of the detentions were justified, lawful or proper.

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

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

FINDINGS OF FACT: Each of the documented incidents in question were reviewed with the officers and on each occasion the officer articulated reasonable suspicion to detain as documented in the incident reports. Numerous alleged contacts are not documented and the officer had no recall of them. The complainant denied the charges in the incidents. The complainant did not identify any witnesses. A query of the complainant's rap sheet found the court on more than one occasion found the officer's search and seizure "questionable." There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Each of the documented incidents in question were reviewed with the officer and on each occasion the officer articulated reasonable suspicion to detain as documented in the incident reports. Numerous contacts alleged by the complainant are not documented and the officer had no recall of them. On several of the occasions the complainant was on probation with a search condition. However, due to the numerous encounters between the complainant and the officer there is insufficient evidence to determine that all of the detentions were justified, lawful or proper.

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

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

FINDINGS OF FACT: As with the detention allegation, due to the absence of a probation search condition, when some of the incidents are alleged to have occurred, the search in some of the incidents are questionable. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: Each of the documented incidents in question were reviewed with the officer and on each occasion the officer articulated reasonable suspicion to detain as documented in the incident reports. Numerous contacts alleged by the complainant are not documented and the officer had no recall of them. On several of the occasions the complainant was on probation with a search condition. However, due to the numerous encounters between the complainant and the officer there is insufficient evidence to determine that the complainants arrest was justified, lawful or proper.

SUMMARY OF ALLEGATION #8: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: Each of the documented incidents in question were reviewed with the officer and on each occasion the officer articulated reasonable suspicion to detain as documented in the incident reports. Numerous contacts alleged by the complainant are not documented and the officer had no recall of them. On several of the occasions the complainant was on probation with a search condition. However, due to the numerous encounters between the complainant and the officer there is insufficient evidence to determine that the complainants arrest was justified, lawful or proper.

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SUMMARY OF ALLEGATIONS #9–10: The officers used profanity.

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

FINDINGS OF FACT: The officers denied using the alleged profanity or hearing the other officer do so. A witness to one of the incidents did not hear what the officers said to the complainant. There were no other identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied making the alleged comments. A witness officer denied hearing the named member make the alleged comments. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #12–13: The officers used unnecessary force.

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

FINDINGS OF FACT: A videotape documents the arrest showing the complainant aggressively resisting the officers. The videotape documents one of the officer's striking the resistant complainant three or four times in the leg with his baton causing the complainant to stop resisting and lay on the floor where officers handcuffed and searched him. There is no evidence on the videotape that any of the other alleged acts of force were used. The videotape ends with the complainant being escorted out of the store toward the street without incident. Other than the complainant's allegations, there is no additional proving evidence that additional force was used outside the building as it was not documented on the videotape. The complainant has alleged that he was beaten inside of the building and again while outside of the building. The officers documented their use of force while inside of the building but deny the use of force alleged by the complainant outside of the building. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #14 – 15: The officers are harassing the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. The contacts between the officers and the complainant are numerous and do not always result in a detention or an arrest. However, the complainant feels singled out. The fact that the complainant was not on probation during several of these incidents required that the officers have reasonable suspicion to detain him. The complainant denied that he was loitering or involved in illegal activity in the police contacts. A videotape of one of the incidents clearly documents the complainant loitering. The complainant's rap sheet documents that in two of the arrests involving these officers the Court found "Questionable Probable Cause." There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer conducted a traffic stop without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer pulled he and his companions over after the complainant's vehicle was almost struck by another vehicle. The complainant stated that the officer was either a male or a female who took his Driver License (DL) and insurance documents back to the officer's police vehicle. The complainant's documents were returned to him and he was not cited. There is no evidence that the complainant's Driver License was queried via the CLETS database. The officer's identity has not been determined. There is insufficient evidence to either 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 alleged the officer that pulled him over was rude and accusatory. The complainant was unable to identify the officer's gender or any identifying information that would assist in identifying the officer. The complainant provided the officer with his Driver License (DL) and insurance documents. The complainant's documents were returned to him. The complainant was not cited. There is no evidence that the complainant's Driver License was queried via the CLETS database. The officer's identity has not been determined. There is insufficient evidence to either prove or disprove the allegation.