

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/10 **DATE OF COMPLETION:** 10/04/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was aboard a bus when the named officer came aboard to investigate someone engaged in graffiti on the bus. The complainant stated that the named officer asked to see his hands but did not explain the reason for this. The named officer stated that he responded to a report of several juveniles at the back of the bus doing graffiti. The complainant and another individual were the only juveniles matching the suspect description in the back of the bus. The named officer asked the first juvenile to show his hands for officer safety reasons and to determine whether he had ink from writing graffiti on them, and the juvenile complied. The named officer said he then asked to see the complainant's hands. The officer's order to the complainant to show his hands was related to the commission of a crime which the officer had reasonable suspicion to believe the complainant had committed. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated he was aboard a bus when the named officer came aboard to investigate someone engaged in graffiti on a bus. The complainant stated that the named officer repeatedly asked to see his hands but did not explain the reason for this. The complainant refused to show him his hands. The named officer grabbed the complainant's coat and ordered the complainant to show his hands, threatening to take the complainant off the bus and force him to show his hands if he didn't. After the complainant showed the officer his hands, the officer asked for his name and made an inappropriate comment that implied skepticism about whether the complainant, who has a Hispanic surname, was Hispanic.

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SUMMARY OF ALLEGATION #2 Continued:

The named officer stated that he responded to a report of several juveniles at the back of the bus doing graffiti. The complainant and another individual were the only juveniles matching the suspect description in the back of the bus. The named officer asked the two juveniles to show their hands for officer safety reasons and to determine whether either of them had ink from writing graffiti. The first juvenile complied but the complainant refused to show his hands, which were behind his body. The named officer then placed his hand on the complainant's shoulder because he feared that the complainant might have a weapon or was trying to impede his investigation. The complainant then displayed his hands, which had no ink on them. The named officer stated that he then requested the complainant's name as part of his investigation. After the complainant provided his name, the officer asked for his name again. The named officer stated that people often give him false names, but he did not remember telling the complainant that he did not look like someone with the complainant's surname. The named officer denied making the other inappropriate statements attributed to him by the complainant.

The named officer's partner stated that he remained outside the bus and did not overhear the named officer's conversation with the complainant. The complainant's cousin, who was on the bus with him, failed to respond to requests by OCC for an interview. Other civilian witnesses could not be identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was aboard a bus when the named officer came aboard to investigate someone doing graffiti on the bus. The complainant stated that the named officer repeatedly asked to see his hands but did not explain the reason for this. The complainant initially refused to show him his hands. After the complainant showed the officer his hands, the officer asked for his name and made an inappropriate comment that implied skepticism about whether the complainant, who has a Hispanic surname, was Hispanic.

The named officer stated that he responded to a report of several juveniles at the back of the bus doing graffiti. The complainant and another individual were the only juveniles matching the suspect description in the back of the bus. The named officer stated that after checking both juveniles' hands and finding no ink on them, he requested the complainant's name as part of his investigation. After the complainant provided his name, the officer asked for his name again. The officer stated that people often give him false names, but he did not remember telling the complainant that he did not look like someone with the complainant's surname.

Department records establish that the named officer responded to a report of several black male and Latino male juveniles doing graffiti in the back of the bus. The complainant stated that he and his companions were the only black males seated in the back of the bus.

The named officer's partner stated that he remained outside the bus and did not overhear the named officer's conversation with the complainant. The named officer's partner later boarded the bus and learned from the driver that the suspect had left the bus. The named officer's partner said that one of the juveniles the named officer had been speaking to seemed to be upset and said that the named officer should not have talked to him the way he did.

The complainant's cousin, who was on the bus with him, failed to respond to requests for an interview. Other civilian witnesses could not be identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 06/18/10 **DATE OF COMPLETION:** 10/28/10 **PAGE** #1 of 2

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

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 October 21, 2010.

SUMMARY OF ALLEGATION #2: The officer searched a residence 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 October 21, 2010.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/18/10 **DATE OF COMPLETION:** 10/28/10 **PAGE** #2 of 2

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/15/10 **DATE OF COMPLETION:** 10/25/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: There is no dispute that the complainant was driving above the posted speed limit. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately during the contact. He likewise alleged that the officer made several inappropriate comments. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/07/10 **DATE OF COMPLETION:** 10/25/10 **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 wrote a letter of complaint that he was a passenger in an airport shuttle when the officer ordered the shuttle driver to submit to an inspection at a remote location despite having passengers aboard. In the complainants letter he wrote that the officer was rude and aggressive. The officer denied the allegation, stating that he did not see passengers in the van and that he would not have ordered the van to be inspected before dropping off passengers. The complainant did not respond for an interview. There were no other identified 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: 05/27/10 **DATE OF COMPLETION:** 10/25/10 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1 & 2: The officers searched the complainant's home without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched her home without cause. The evidence established that the complainant was on probation with a search condition and that the search was conducted in connection with her search condition. The evidence established that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that officers searched her home and arrested her for a probation violation. When the complainant was released from jail four months later, she discovered that some of her property was missing from her home and believes the officers who searched her home took it. The complainant acknowledged that she did not know who was staying at her home while she was in jail. The officers who were involved in the search of the complainant's home denied seeing or taking the missing property described by the complainant. The incident report prepared by the officers who arrested the complainant and initiated the search lists the seizure of suspected narcotics and items potentially related to narcotics sales but does not list the missing property described by the complainant. There were no witnesses to the search. There is insufficient evidence to identify a specific officer or to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/26/10 **DATE OF COMPLETION:** 10/28/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer was disrespectful when the officer confronted the complainant and told the complainant to move his vehicle. The complainant stated someone was in the process of vacating a nearby, metered parking space while the complainant was waiting for the space to become available. The complainant stated he mentioned this to the officer, waited for the unknown vehicle to vacate the parking space, and legally parked his (complainant's) vehicle. The officer later returned and issued a parking citation, placing it on the complainant's vehicle. The officer said that while on routine patrol, he saw the complainant was illegally parked in the pedestrian crosswalk and in front of the handicap access ramp, which was near the corner of a busy intersection. He then told the complainant to move his vehicle. The officer stated the complainant: refused to move his vehicle; remained in the same location until the officer later returned; complained to the officer about the officer harassing him and questioned the officer's patrol priorities. The complainant legally parked his (complainant's) vehicle after a verbal exchange with the officer. The officer then cited the complainant's vehicle for the violations he saw the complainant commit. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer displayed inappropriate behavior and made inappropriate comments

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate comments to him when the officer told the complainant to move his vehicle. Additionally, the complainant stated the officer confronted him and cited his vehicle. The complainant alleged the officer's behavior was inappropriate during the process. The officer stated the complainant's behavior was disrespectful and insulting during the time the officer cited the vehicle. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/23/10 **DATE OF COMPLETION:** 10/29/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1 & 2: The officers used unnecessary force on the complainant's daughter.

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

FINDINGS OF FACT: The complainant stated that his daughter told him that she believes she was drugged at a San Francisco nightclub. She became disoriented and entered a hotel, where security personnel detained her for being drunk and unruly. She was taken outside and thrown to the sidewalk, breaking several of her teeth.

The complainant's daughter stated she believes her drink was drugged at a nightclub, causing her to have strange physical sensations. She left the nightclub to enter her hotel, but inadvertently took a wrong turn, ending up outside. She entered a different hotel where security personnel detained her. Two police officers arrived and said they were arresting her. The officers led her down some stairs and onto the sidewalk, where they pushed her down, causing her face to strike the pavement and breaking her front teeth. She also stated that the last thing she remembered was walking to the police car, and then being in an ambulance.

The complainant's daughter is five-feet and two inches tall and weighs two hundred pounds. Department personnel records indicate that the two named officers are each five-feet and four inches tall, and they weigh, respectively, one hundred and thirty and one hundred and forty pounds.

While waiting for the ambulance to arrive, the complainant's daughter became agitated and angry and attempted to throw an object at individuals gathered near the hotel security office. The named officers then handcuffed the complainant's daughter. The complainant's daughter then began thrashing around and threw her head back towards one of the officers. This officer grabbed the complainant's daughter's hair and attempted to perform a hair pull take down. The complainant's daughter, who was bigger in stature than the two named officers, started moving, twisting and thrashing around. Each officer was grasping one of her arms, and they all fell forward onto the floor. The complainant's daughter's face made contact with the floor causing her two front teeth to chip. The complainant's daughter continued to fight while on the ground. An ambulance arrived and restrained the complainant's daughter after she fought with the paramedics. The complainant's daughter was then wheeled from the security office, located in the basement of the hotel, to the ambulance outside.

Footage from a surveillance camera in the hallway outside the hotel security office that was pointed at the security office counter did not capture the complainant's daughter being handcuffed or going to the ground because this was out of the camera's frame. It did capture the complainant's daughter going to the

security counter and grabbing and throwing a clipboard, and it captured parts of the named officer's bodies as they appear to be handcuffing and struggling with the complainant's daughter.

Photographs of the scene taken by the named officers depict a polished stone hallway floor outside the hotel security office with a reddish stain that appears to be blood, and several small fragmentary white objects that appear to be parts of the complainant's daughter's teeth, along with pieces of a necklace the complainant is seen wearing in photographs taken by the officers.

One of the hotel security officers confirmed the account of the complainant's daughter's actions and behavior described in the police report. He also stated that at one point, the complainant's daughter accused one of the security officers of attacking her and stealing her purse on the street before she entered the hotel. He stated that the officers had difficulty handcuffing the complainant's daughter because she was very large and was moving her body around. He stated that after she was handcuffed, the complainant's daughter swung her head and attempted to head-butt one of the officers. Both officers attempted to grab the complainant's daughter's forearms and to slide their arms inside hers. The complainant's daughter lost her balance and she and the officers fell to the floor. When the complainant's daughter lifted her head, he saw blood coming out of her mouth. The officers got the complainant's daughter to her feet and seated her in a chair.

A second hotel security officer confirmed the account of the complainant's daughter's actions and behavior described in the police report. He stated that he was inside the security office and could not see all of the physical interaction that ended with the complainant's daughter striking her face against the ground. He stated that the complainant's daughter got up from a chair the officers had seated her on and became very aggressive. She swung her head in what appeared to be an attempt to hit one of the officers. The complainant's daughter went to the ground as the officers were attempting to restrain and handcuff her.

A medical examiner who reviewed the complainant's daughter's medical and dental records along with photographs of the complainant's daughter taken immediately after her injury stated that they document fracture of three upper front incisors teeth and a laceration of the lip. The medical examiner stated that the injury to her teeth and lip could be consistent with making contact with a stone floor during a fall. She stated that it is impossible to determine from these materials whether the injury resulted from a fall or from the individual being pushed.

A preponderance of the evidence established that the two named officers were attempting to control the complainant's daughter, who was actively resisting them and who significantly outweighed them, by holding onto her arms when they all fell to the floor, causing the complainant's daughter to strike her face against the floor, breaking several of her teeth. There is no evidence to establish that the named officers intentionally caused the complainant's daughter's face to make contact with the ground or that the force they used on the complainant's daughter was unnecessary. However there is insufficient evidence to conclude that the degree of force used by the officers and the injury sustained to the complainant's daughter was justified, lawful or proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer drove his vehicle improperly. The complainant stated the officer cut him off and changed lanes without using his signal lights causing the complainant to almost hit a parked vehicle. The officers who were assigned the vehicle that the complainant identified denied the allegation. Department records disclosed these officers were not at the location of the alleged encounter. There is insufficient to either prove or disprove the allegation, or to establish the identity of the officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/21/10 **DATE OF COMPLETION:** 10/08/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The investigation concluded that the officer's report was thorough, complete and accurate as to what occurred during this incident. The evidence proved that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The investigation showed that the officer accepted a private person's arrest from a witness to arrest the complainant. The evidence showed that the officer followed Department Policy and Procedures pursuant to Department General Order 5.04 when he accepted the private person's arrest. The officer's actions were appropriate and lawful based on the information he received and observed.

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DATE OF COMPLAINT: 05/19/10 **DATE OF COMPLETION:** 10/21/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers entered the complainant's residence.

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

FINDINGS OF FACT: The complainant stated the officers entered her residence without her permission. The investigation could not identify any San Francisco Police Department member who responded to this address. Officer identification polls were sent to three units and all returned with negative results. Department records do not show any San Francisco Police Department officers responding to the complainant's building address. There is no video of officers in the residence. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers contacted her due to her being African American but the officers did not contact others in her building who were not African American. The investigation could not identify any San Francisco Police Department member who responded to this address. Officer Identification polls were sent to three units and all returned with negative results. Department records do not show any San Francisco Police Department officer responding to the complainant's building address. There is no video of the officers in the residence. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers searched her residence without her permission. The investigation did not identify any San Francisco Police Department member who responded to this address. Officer Identification polls were sent to three units and all were returned with negative results. Department records do not show any officers in the residence. There is no video of officers in the residence. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged he had no intention of making a left turn when he moved his vehicle into the left turn lane of a busy thoroughfare. He did so because he thought the patrol car behind him was in a hurry. He moved his vehicle into the left turn lane in order to allow the patrol car to pass through the controlled intersection without hindrance. Consequently, he believes he should not have been cited. The officer said he was on routine patrol and as he approached the intersection in the patrol car, he observed the complainant's vehicle in the left turn lane. The officer proceeded through the intersection and saw the complainant go straight ahead, instead of making the mandatory left turn. The officer then stopped the complainant for the traffic violation. During the process of talking to the complainant about the violation, the officer noticed the front license plate was missing on the complainant's vehicle. The nexus that led to the issuance of the citation / traffic stop is in dispute and as such there is insufficient evidence to justify the traffic stop that led to the traffic citation.

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

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

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

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DATE OF COMPLAINT: 04/21/10 **DATE OF COMPLETION:** 10/22/10 **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 officer arrested the complainant after the male victim in the incident positively identified the complainant during a cold show as the person who struck him. The victim signed a citizen's arrest form for the arrest of the complainant. The officer took a statement from an independent witness corroborating the victim's account of the incident. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer acknowledged she was the station duty officer and conducted the booking counter search of the complainant. She did not recall if the complainant had on her person the items the complainant alleged went missing. The officer said she would have given all property to the station keeper for booking per policy. The Department's property release report showed thirteen (13) items were documented and released to the complainant. The alleged missing items were not listed on the property report. The complainant failed to contact OCC for additional requested information. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The identity of the involved officer, based on the complainant's description (race) of the officer has not been determined. The responding officers interviewed denied engaging in the conduct alleged by the complainant. The complainant was unable to provide additional information of the involved officer. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers detained the complainant at gunpoint.

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

FINDINGS OF FACT: The officers responded to a dispatched call of an African American "man with a gun" in the hallway of a residence hotel. Both officers responded to the call with their weapons drawn. The complainant was located in the hallway, detained, pat searched and released with no merit to the call. 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 #4-5: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officers handcuffed him during the detention. Both officers denied handcuffing the complainant during the incident. A supervisor and several officers stated they did not observe handcuffs on the complainant. The hotel manager said she did not observe the complainant handcuffed. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #1-2: The officers failed to issue a Certificate of Release to the complainant.

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

FINDINGS OF FACT: The officers stated the complainant was detained for less than one minute while they conducted a pat search for weapons. They further advised that the complainant was not handcuffed or moved. The supervisor on scene stated the named officers briefly detained the complainant and did not handcuff or move him. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF OCC ADDED ALLEGATION #3: The officer failed to supervise.

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

FINDINGS OF FACT: The supervisor stated the complainant was briefly detained and released once the officers were satisfied that the complainant was not the suspect and they found no weapons on him. The supervising officer stated that he did not observe physical restraints on the complainant and he was not moved. The supervisor stated he and responding officers searched the residence hotel with negative results and cleared the scene.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was moved from general population in County Jail to 24-hour lock down two hours after his refusal to do an interview with the officer. The complainant stated he was given a paper stating the reason for the move was "The inmate is likely to need protection from other inmates per SFPD." The officer denied the allegation. SFSD policy states a recommendation by SFPD alone is not sufficient to remove an inmate from the general population. There are other criteria that must be met and the decision to make the move is solely with SFSD. There is insufficient evidence to prove or disprove that the officer's conduct was inappropriate.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 24, 2010.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 24, 2010

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DATE OF COMPLAINT: 02/22/10 **DATE OF COMPLETION:** 10/04/10 **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 said he was leaving a bar at closing time while drinking a beer he still had in his hand. The complainant emphasized he was still inside the bar when the officer confronted him. He further stated he was not drunk, and the officer had no reason to detain him. The officer said he and a State of California ABC agent went to the club, approximately one-half hour after the club was to have closed, to investigate a complaint of after-hours drinking the club was suspected of allowing. The law prohibited the club from serving alcoholic beverages or allowing the consumption of alcoholic beverages on its premises after its scheduled cut-off time. The officer saw the complainant drinking the alcoholic beverage and told the complainant to put it down. The officer said the complainant refused to put it down, and told the officer he (the complainant) was also a police officer. The officer subsequently detained the complainant to investigate his (the complainant's) claim. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer had no reason to arrest him. The officer said the complainant was uncooperative and exhibited obvious signs of intoxication. Furthermore, the officer said the complainant produced a law enforcement badge and identification indicating the complainant was a police officer. The officer determined the complainant was impersonating a legally sworn police officer, and arrested the complainant for being under the influence in a public place and impersonating a police officer. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer bumped into him and jabbed his (the officer's) forearm into the complainant's chest, when the officer entered the nightclub. The officer said the only physical contact he had with the complainant was to grab the complainant's arms in order to handcuff the complainant after the officer placed the complainant under arrest. The officer said the complainant was much larger than him, and the officer denied pushing the complainant or using unnecessary force. No independent witnesses were developed to support 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 #1-2: The officers' behavior was inappropriate.

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

FINDINGS OF FACT: The officers denied the allegation. A witness identified by the officers did not respond to OCC contact requests. There were no other identified independent 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: The officer used unnecessary force during the detention

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force during the detention. The officer denied the allegation. There were no independent witnesses to the contact. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity

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

FINDINGS OF FACT: The complainant stated the officer used profanity during the detention. The officer admitted that he used profanity when he repeated what the complainant stated to him. Department General Order 2.01 states that officers are not to use profanity. There are no exceptions to this order. A preponderance of the evidence proved that the conduct alleged did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper and against Department General Orders.

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SUMMARY OF ALLEGATION #1: The officers misuse their police authority.

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

FINDINGS OF FACT: The anonymous complainant stated that since 1992, uniformed San Francisco police officers from one or more police stations and other Department bureaus, as well as law enforcement from other jurisdictions, have been eating at a hotel cafeteria for free and remain in the cafeteria for hours neglecting their duties. The complainant did not specify any particular times, dates, or officers as to when this has occurred. During the course of the investigation, an officer was identified as having knowledge of this practice, however that officer has retired and is no longer within the subject matter jurisdiction of the San Francisco Police Department. The allegation raises matters that cannot be investigated by the OCC due to a lack of specificity regarding possible involved officers and officers from outside agencies. The complaint is being referred to the Department as follows:

Internal Affairs
Hall of Justice
850 Bryant Street, Rm. 545
San Francisco, CA 94103

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

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

FINDINGS OF FACT: The anonymous complainant alleged that by remaining in the cafeteria for hours, the unknown officers from the San Francisco Police Department and other law enforcement agencies neglected their official duties when they failed to respond to calls for service. The complainant failed to identify any particular officer or times and dates when this occurred. The complainant also could not provide any information regarding any particular calls that may have been neglected by an officer. The allegation raises matters that cannot be investigated by OCC due to a lack of specificity regarding possible involved officers and outside law enforcement agencies. The complaint is being referred to the Department as follows:

Internal Affairs
Hall of Justice
850 Bryant Street, Rm. 545
San Francisco, CA 94103

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

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

FINDINGS OF FACT: The complainant stated the officer threw her onto the pavement and caused her injuries. The officer denied the allegation and said the complainant fell on her own while being pursued by the officer. The officer said he grabbed the complainant's wrist and placed a control hold on her in order to handcuff her. There were no witnesses that came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant was detained on suspicion that she vandalized a building. One of the officers stated that he observed the complainant vandalize a nearby property. Both officers pursued the complainant and subsequently detained her for further investigation. Physical evidence retrieved at the scene of the vandalism establish that the complainant was engaged in graffiti vandalism. The complainant's detention was lawful, justified and proper. The complainant was issued a Certificate of Release (an 849(b) form) and released to paramedics for medical treatment. 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 #4: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant was lawfully detained for graffiti vandalism and fleeing from the officers. The complainant admitted she ran from the officers. A preponderance of the evidence establishes that given the totality of the circumstances, the named officer's handcuffing of the complainant was proper and consistent with department rules and procedures.

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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he was arrested without cause. The officer denied the allegation and stated he observed the complainant involved in a narcotics transaction. . Witness officers did not recall the incident. No independent witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that an unknown officer made a statement that implied he was setting up the complainant to be arrested. All officers denied the allegation. No independent witnesses came forward during the investigation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was searched without cause, however, the complainant is known to the officer through the officers narcotics investigations. The complainant acknowledged that he was detained by the officer and he has a warrantless search clause as a condition of parole. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated he was searched and arrested at the scene and subsequently strip-searched at the police station, with negative results. The named officer stated based on the evidence and the nature of the arrest he was authorized by his supervisor to conduct the search. The supervising officer authorized the strip search and the officer followed department protocol. The complainant had a warrantless search condition on him at the time of the arrest thereby permitting officers to search the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #5: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the officer lied about the incident, however, the complainant's own statements corroborated the officer's actions. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer used excessive force during an arrest. The officer admitted to using a minimal amount of force to gain control over a person who was verbally and physically resisting his attempts to place that person under arrest. An MTA employee who had requested the officer's assistance to remove the person from a MUNI street car did not observe the entire contact between the person and the officer. However, the MTA employee stated that the person was resisting the officer's attempts to place him under arrest and that he did not see the officer use any excessive force. Video surveillance of the incident could neither corroborate the officer or the complainant's account of the incident. There were no other witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint as the witness did not observe the entire incident nor did the video surveillance capture the entire event.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The evidence established the complainant was unaware her son was on adult probation in another County which authorized any peace officer to enter her residence without a warrant since the son lived at his mother's address. The evidence further established that the officers attempting to serve a federal subpoena upon the complainant's son were aware of his probationary status in order to gain entry into the residence. The officers complied with knock and notice requirements. The officers' actions were lawful and proper.

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

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

FINDINGS OF FACT: The co-complainant said he was detained without justification. The officers said they entered and announced their presence and that they were looking for the complainant's son when they encountered the co-complainant. The officers said that they asked the co-complainant why he did not respond to their knocks and he told them it was because he was high from smoking marijuana. The co-complainant denied that he was smoking marijuana. No other independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The co-complainant alleged he was handcuffed without justification. The officer said he entered the house of a probationer to serve a federal subpoena upon a probationer, whom the co-complainant said was still inside the house. The officer also said the co-complainant said he did not answer the door because he was high from smoking marijuana. A witness inside the residence did not respond to OCC requests for an interview. There were no other independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was unaware that her adult son was on probation in another County, which rendered her residence subject to warrantless searches by any peace officer in the State of California. The evidence further established that the officers attempting to serve a federal subpoena on the complainant's son were previously aware of his probationary status in order to lawfully gain entry and search the residence to locate him. The officers' actions were lawful and proper.

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

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

FINDINGS OF FACT: The complainant said the officer made inappropriate statements, behaved in an intimidating manner while speaking with her in relation to her son, and would not show her any supporting documents to substantiate why he wanted to speak with her son. The officer denied the allegation. Two witnesses on scene gave conflicting statements regarding this allegation, and there were no other witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said she asked but the officer would not show her any document showing her son was on probation. The officer said his partner had the federal grand jury subpoena for the complainant's son as well as a CABLE printout showing the complainant's son was on probation in another county. The officer also stated that he would be committing a misdemeanor if he were to show the complainant the CABLE terminal printout about her adult son's probation status. The officer's actions were lawful and proper pursuant to California law which prevents unauthorized persons access to CABLE records.

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

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

FINDINGS OF FACT: The complainants alleged six officers responded to the residence to locate a probationer. The incident report only mentioned four peace officers present. The S.F.P.D. officers stated there were only two S.F.P.D. sworn members and two F.B.I. Agents present. Two other witnesses did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated he was driving his car on the street with his sound system on. An officer drove up alongside him and motioned for him to roll down his window. The complainant complied. The complainant stated the officer told him to turn down his “fucking” music. The officer denied the allegation. There were no available witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers towed the complainant’s vehicle without justification.

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

FINDINGS OF FACT: The complainant stated officers conducted a traffic stop of his car for a loud sound system, in violation of California Vehicle Code (CVC) §27007. The complainant presented his driver license to the contact officer, who informed him after a computer query that his license was suspended/revoked. The complainant denied he had received notice of the suspension of his license. The complainant admitted in his OCC interview that he had been cited eight months before for speeding in another jurisdiction, issued a Notice to Appear in court, and that he failed to appear for the court date. The officers cited the complainant at the scene for a suspended license and towed his car, per applicable policy. In a notation, the citation issued to the complainant showed that the complainant’s notice of suspension was served by certified mail following his failure to appear in court. 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 #4: The officer issued an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated the officer wrote a non-existent date on his Notice to Appear. The officer made a clerical error and wrote down a day of the week that did not correspond with the calendar date provided to the complainant for his appearance in court. When the complainant presented himself at the clerk's office, the clerk ran his name and found no evidence of the violation in the court management system. The officer admitted his clerical error. However, the complainant did not suffer a loss or experience any harm as a result of the officer's clerical error. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5-6: The officers engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant stated the officers conducted a traffic stop of his car based on racially biased police practices. The complainant said he had his car sound system on. He denied it was turned up to an excessively loud volume. The complainant denied he had received any notice of the suspension of his license. He stated the officers cited and towed his vehicle because they had to "get their name on paperwork." The officers denied the allegation. The witness did not see the entire incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

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

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

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

FINDINGS OF FACT: The complainant stated he told dispatchers and officers that he was locked in the closet, but the officers did not rescue him quickly enough. The officers stated they arrived at the residence, but were unable to enter, because the doors were locked. After Fire Department personnel broke a window, the officers entered and first cleared the ground floor for safety reasons, then opened the closet. The officers' actions were proper.

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

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

FINDINGS OF FACT: The complainant stated he went to the hospital for a mental health detention of his own free will. The allegation is unfounded.

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

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

FINDINGS OF FACT: The complainant was handcuffed pursuant to a lawful mental health detention. The officers' conduct was proper.

SUMMARY OF ALLEGATION #7: The officer(s) used unnecessary force.

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

FINDINGS OF FACT: The complainant stated he was "dragged" from the closet to the living room. He did not allege that he sustained any injuries or had a complaint of pain. The officers and Fire Department personnel removed the complainant from the closet and escorted him to the living room. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8-9: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant alleged the officers had no right to search his residence without a warrant. In the course of clearing the residence for safety reasons, the officers observed in plain-view indicia of the complainant's mental status and searched for medications. The officers' conduct was proper.

SUMMARY OF ALLEGATION #10-11: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant alleged the officers seized his diary without cause. The officers stated the diary contained indicia of the complainant's mental status, including written threats of violence, so they seized it for safekeeping. The officers' conduct was proper.

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SUMMARY OF ALLEGATION #12: An officer made a sexually-derogatory remark.

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

FINDINGS OF FACT: The complainant alleged an officer made a comment that the complainant considered an improper sexual reference. The officers who were at the scene were questioned about the allegation and have denied the allegation. The complainant could not identify the officer. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was involved in a verbal altercation with a juvenile who was disrespectful and trying to challenge him. The officer observed and heard the interaction between the complainant and the juvenile. The officer stated that he thought the argument could have turned physical so he ordered the complainant to leave the area, but the complainant refused. The officer further stated the complainant subsequently spit in the officer's face. The witness officers stated the complainant did not comply with their orders to leave and became threatening and assaultive. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts are justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed, choked and pushed him against a fence while handcuffing him and the officer's partner placed him in a headlock. One of the named officers stated he grabbed the complainant's arm to handcuff him and sat him against a fence. The officer's partner stated after the complainant spit on his partner and he placed the complainant's head underneath his arm to prevent him from spitting again. The officers stated the complainant was non compliant and disobeyed their orders. The officers denied the allegations lodged by the complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was face to face with the officer and that saliva came out his mouth and hit the officer. The officer stated the complainant spit on him and he arrested the complainant for a misdemeanor assault. The officer's partner stated he saw a large amount of saliva exit the complainant's mouth and land on the named officer. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts are justified, lawful and proper.

SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he sustained an injury when he was pushed into the fence. He further stated he was not bleeding but he told the officers he sustained an injury to his head and that he should have been transported to the hospital. The officers at the scene denied the allegation. There is conflicting evidence that the complainant sustained any injuries. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainants stated they were not doing anything wrong when detained. The complainants stated they were sitting in their car relaxing trying to figure out where to eat. The officers stated that the location of the detention is a high crime area, there were no businesses open at 2:43 a.m., and this was the only car in the alley, which raised suspicion so the officers stated they stopped to investigate if any criminal activity was a foot. The CAD documents that the incident took place in an alley in the Tenderloin. Per DGO 5.03, officers are permitted to conduct investigative detentions.

SUMMARY OF ALLEGATION #3-4: The officers searched the complainants without cause.

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

FINDINGS OF FACT: The complainants stated they were not involved in any criminal activity and after the officers ran a records check they had no right to search them because the check was clear. The officers stated dispatch advised that there was a possible warrant for the driver but upon checking the information the officer stated they were off by one number on the date of birth and the result was then negative. However, the officers stated they conducted a pat search for weapons given the area and time of night for officer safety reasons while still investigating the smell of marijuana coming from the car. Officers have the authority to conduct pat searches for weapons during investigations when in a high crime area and time of contact per case law.

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

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

FINDINGS OF FACT: The complainants stated the officer searched the car without permission. The officer stated he had probable cause to believe there were narcotics in the car after smelling an odor of marijuana coming from the car, in addition to the area and time of the incident. Per case law officers are permitted to search vehicles.

SUMMARY OF ALLEGATION #6-7: The officers harassed the complainants due to bias.

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

FINDINGS OF FACT: The complainants stated they were not on probation or engaged in any criminal activity and therefore believed that the contact was harassment. The officers denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8-9: The officers failed to provide their name and star numbers upon request.

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

FINDINGS OF FACT: The complainants stated that the officers did not identify themselves and when asked for the information the officers kept walking away. The officers denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 10: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated he was handcuffed during the incident. The officer did not recall if she did or did not handcuff the complainant. One officer stated he definitely did not handcuff the passenger. The backup officers did not recall the incident and if they stepped out of the car or not. Given the officers description of the incident, which gave rise to the detention, it is more likely than not that the complainant was handcuffed and therefore a certificate of release should have been issued. Per DGO 2.01 Rule 19, the senior officer is ultimately responsible for the proper completion of the assignment as such; the officer should have made sure that the complainant was issued a Certificate of Release per DGO 5.03.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/09 **DATE OF COMPLETION:** 10/14/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said he threw an impromptu private party inside his private residence and the officer issued a citation to him without cause. The complainant said he was not charging people any money to go inside the party. One witness said she received an invitation in advance of the party, which advertised the party. An internet site was located that advertised the organization throwing the party. The officer said he was assigned to an undercover detail, which identified and closed illegal “underground parties” that did not have permits to operate. The officer said he and other officers saw a line of people on a public sidewalk waiting to enter a venue at a “mixed-use” loft. The officer saw several limousines drive up to the curb and drop off people going to the venue, and he saw a security guard controlling the line of people waiting to get inside. The officer said the security guard informed the line of people they would be brought up in groups, and they should be quiet so as not to attract the attention of police. Based on what he saw and heard, the officer suspected the venue was an illegal after-hours nightclub. The officer identified himself and gained entry to the venue. The officer saw approximately 200 people in attendance, a banner on a wall that advertised the group responsible for giving the party, a tip jar containing U.S. currency, a disc jockey playing music on a sophisticated sound system, a bar set-up containing bottles of alcohol containing pouring spouts, suspected fire code violations, the complainant whom the officer had warned on previous occasions about throwing illegal parties, and no evidence the venue was being used as a private residence. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 12/04/09 **DATE OF COMPLETION:** 10/14/10 **PAGE#** 2 of 3

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

FINDINGS OF FACT: Based on his observations and what he heard, the officer suspected the venue was an illegal after-hours nightclub. Among other factors, the officer saw a security guard outside the venue with handcuffs and pepper spray who was searching incoming attendees for weapons. The officer waited in line with a crowd of people wanting to enter the venue. The officer identified himself and gained entry. Once inside, the officer discovered evidence in plain view, which supported the officer's belief the venue was an illegal after-hours nightclub. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: After gaining entry to a suspected after-hours nightclub, the officer discovered evidence in plain view, which supported the officer's belief the venue was illegal. The complainant approached the officer to inform the officer the venue was a private party. The officer said he recognized the complainant as a result of two previous encounters whereby the officer warned the complainant about throwing illegal parties. One of the principals who threw the party identified the complainant as the person from whom he rented the facility. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 12/04/09 **DATE OF COMPLETION:** 10/14/10 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The officer did not specifically remember handcuffing the complainant during the incident. The officer said however, that due to the large number of people in attendance at the party and the few amount of officers present, the officer may have handcuffed the complainant for officer safety reasons. No witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer said he booked the evidence seized in this investigation according to department regulations and supplied documents to support the seizure. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/23/09 **DATE OF COMPLETION:** 10/29/10 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer was physically handed a copy of his employee's insurance card, but would not accept it. When the officer ran vehicle plate number through DMV, it came back "insurance unknown" and the officer issued the complainant's employee a citation for no proof of insurance. The officer stated he was given verbal orders to cite commercial vehicles that came back with "unknown" for insurance information. According to California DMV, insurance companies are exempt from electronically reporting insurance information for vehicles covered by commercial or business insurance policies. However, the vehicle owner of a commercially insured vehicle is required to forward the insurance information to DMV within thirty days of the date the registration card is issued so that the insurance information would be captured in the electronic databases. At the time of this incident, the insurance information was not in the DMV database as the vehicle code requires. The evidence proved that the act alleged by the complainant occurred, however, the officer's actions were appropriate and lawful.

SUMMARY OF ALLEGATION #2: The officer issued an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated the officer wrote an inaccurate citation when the officer inaccurately checked the registered owner box and placed the driver as the registered owner of the vehicle, which he was not. The officer acknowledged that he made a mistake when he checked the box same as driver. 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: 11/17/09 **DATE OF COMPLETION:** 10/08/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officers arrested her without cause. The officers stated they arrested the complainant for public intoxication, and for possession of narcotics. The complainant denied being intoxicated during the contact, but admitted possession of narcotics, which were booked into evidence. 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: The officer searched the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged that the officer conducted a search on her without justification. The officer stated he conducted a standard booking search on the complainant. The evidence shows that the complainant was initially arrested and brought to the station for public intoxication. The search was therefore valid, lawful, and justified.

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DATE OF COMPLAINT: 11/17/09 **DATE OF COMPLETION:** 10/08/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to properly process her property. She stated the officer left her bag containing personal belongings on the street. She said she neither recovered her bag nor its contents. The officers that were questioned denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 10/22/10 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: Following an athletic event in which the officer and the complainant participated, the off-duty officer approached the complainant and another individual as they were about to leave. Words were exchanged and the verbal exchange led to a physical confrontation. A third party intervened to break up the physical altercation. The officer identified himself as a police officer and warned the third party he was interfering. The officer ordered the complainant and other parties involved to stay at the scene until police arrived. The officer did not dispute these facts. The officer said he identified himself only after the verbal exchange escalated to physical contact, whereas he was struck first. The officer, feeling outnumbered by the people confronting him, said he identified himself as an officer in hopes this warning would dissuade the parties from further assaulting him. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer punched an individual.

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

FINDINGS OF FACT: Following an athletic event in which the off-duty officer and the complainant participated, the off-duty officer became involved in a physical confrontation with the complainant and a member of the complainant's family. The family member said he pushed the officer in the face in order to prevent the officer from manhandling the other family member. The officer said the other person initiated the confrontation by punching the officer in the nose. The officer said he was only trying to defend himself. The officer threw a counter-punch, which he said accidentally struck a third party, who intervened to break up the fight. The officer said his punch struck the person intervening in the shoulder. However, the person who intervened said the punch accidentally struck him in the jaw. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 10/22/10 **PAGE** #2 of 2

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

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

FINDINGS OF FACT: The officer admitted initiating the contact with the parties described in the first two allegations. He admitted approaching two of the parties to clear up a perceived misunderstanding, which the officer believed could be resolved through discussion. However, rules established by the athletic organization to which the officer and the other two parties belonged forbade the officer from discussing the matter with the parties. As a result, this confrontation escalated from a heated verbal exchange to physical contact. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 10/27/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the police officers had no legitimate reason to arrest him and his friends. The complainant acknowledged that, at the time, he was engaged in a “shoving match” with his friends on the street and that he was intoxicated. The complainant refused to identify his friends involved in the incident. The complainant’s girlfriend, who was also arrested during the incident, did not respond to the OCC’s requests for an interview. The named members stated that the complainant and his friends were taken into police custody for fighting on the street, public intoxication and resisting arrest. No other witnesses came forward. Given the complainant’s admissions, the evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainants stated that one officer kicked his friend in the head during the arrest. The complainant could not provide any identifying information regarding the officer and he refused to identify his friends, who were involved in this incident. The complainant’s girlfriend, who was also present at the time, did not respond to the OCC’s requests for an interview. The arresting officers denied using the alleged force. Photographs taken by the officers of the complainant and his friends after the arrest did not show any visible injuries on any of them. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: One named officer stated that he did not recall this police contact. The complainant could not provide sufficient identifying information regarding the second officer involved in the alleged misconduct. No other witnesses came forward. The available evidence is insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to properly identify himself.

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

FINDINGS OF FACT: The complainant stated that the officer did not provide his name and star number when he requested this information. The named member stated that he did not recall the complainant and/or the incident. There were no other identifiable witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8-9: The officers failed to take required actions.

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

FINDINGS OF FACT: The complainant stated that the officers did not allow him to use the restroom at the station and did not loosen his handcuffs for a significant period of time. One officer stated that he did not recall the complainant and/or the incident. The complainant could not provide sufficient descriptive information to identify and question the second officer, who was allegedly involved in this misconduct. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer failed to take required action.

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

FINDINGS OF FACT: The OCC investigation showed that the named member, working as a Station Keeper at the time, did not log the names of the complainant and his friends in the Daily Arrest Information Form. The OCC also found that the existing Department policy regarding Booking and Detention is insufficient lacking clearly delineated and specific instruction regarding documentation of the arrestees' and detainees' presence at district stations. The OCC will forward a Policy recommendation to address the deficient policy.

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DATE OF COMPLAINT: 11/04/09 **DATE OF COMPLETION:** 10/08/10 **PAGE** #1 of 4

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

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

FINDINGS OF FACT: The officer stated that due to an increase in robberies in his police district, he and several other officers were assigned to a specially designated robbery abatement team as plainclothes officers in unmarked police cars to deal with the increase in robberies. While driving in the district and conducting surveillance as part of this robbery abatement team, the officer said that he observed a male standing in the street outside a double parked car with its engine running who had what appeared to be a gun in his hand. The officer called for assistance from other units and based on his belief that he observed what appeared to be a gun, a traffic stop was initiated on the involved vehicle that had left its double-parked location and traveled a few blocks. The officer conducted an investigatory traffic stop to determine if he had observed a weapon and discovered that the person did not have a weapon in his hands but instead had a cell phone in his hand. A San Francisco Police Department Subject Matter Expert was interviewed who stated that if the officer believed that he saw a firearm, the officer would be required to investigate the situation to determine if a firearm existed. The officer's investigation revealed that the driver of the vehicle did not have a firearm but instead had been holding a Blackberry cell phone in his hand as he stood outside a double-parked vehicle. The OCC investigation confirmed that fact. However, there were no independent witnesses who could corroborate what the officer initially believed he observed when the vehicle was double-parked. Therefore, there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied making the alleged comments. Two witnesses did not corroborate the alleged comments with sufficient specificity to either verify that the statements were made in the offending language portrayed by the complainant or that the statements rise to a level of misconduct. Witness officers stated they either did not hear the officer make the alleged comments or they did not hear any of the conversation between the officer and the vehicle occupants due to their physical positions during the stop. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant and other witnesses, who were acquainted with the complainant, believed that the race of the driver and the passengers directed the actions of the officer to stop the vehicle they were passengers in. The vehicle driver and the complainant who was seated in the vehicle's front seat are African American males, while the rear seat passenger and the driver in a second vehicle are Caucasian females. The complainant believed that the racial makeup of the persons in the vehicle is why the officer stopped that vehicle.

The officer denied the allegation and stated that there had been a recent increase in robberies in the area that involved young African American males and that the SFPD was conducting surveillance and had specifically assigned a multi-officer robbery abatement team to deal with the increase in robberies. Department Compstat records were researched and confirmed that during the month prior to this contact, there had been a 70% increase in robberies in the police district where this contact occurred. The night of this contact, the station Captain deployed several plainclothes officers in unmarked vehicles to act as a Robbery Abatement Team to address the rise in robberies. The officer also said the robberies included vehicles that were double-parked and had engines running as was the case in this contact. The officer stated that he was driving within the district when he saw a double-parked vehicle with its engine running, with an African American male standing in the street, bending over into that vehicle with what appeared to be a gun in that man's hand. The officer said that it was a totality of all these circumstances which included, an increase in robberies in the district, a double parked vehicle with the vehicle engine running, an African American male bending into the car with what the officer thought appeared to be a gun in the man's hand, that led him to contact the complainant and other vehicle occupants.

The officer observed the vehicle drive away from where it was double-parked, followed the vehicle and through dispatch requested assistance from other police units to conduct an investigatory stop of the vehicle to determine if he had observed a firearm. Another unit came to the area and the vehicle was stopped. The officer and a witness officer stated they followed Department Procedures when conducting the traffic stop and when approaching the stopped vehicle including using the stopped vehicle for cover as they approached it. A third officer stated that he arrived on scene after the vehicle had been stopped and he parked his Department vehicle approximately 25 feet behind where the other units were stopped which

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SUMMARY OF ALLEGATION #3:

FINDINGS OF FACT: (continued) was behind the stopped complainant's vehicle. The named officer stated he contacted the vehicle driver, identified himself as a police officer and asked the driver if he had a gun. The driver replied that he did not have a gun and showed the officer that what he had in his hand was a "Blackberry" cell phone. The named officer immediately re-assessed the situation and realized there was no firearm in the vehicle, that this was not a high-risk stop and that the occupants in the car were not robbery suspects. Witness officers were questioned as to what occurred and both stated that they were not at the initial contact position and thus could not corroborate that the named officer said he observed a firearm. One witness officer stated that after he parked his vehicle behind the stopped vehicle, both he and the named officer approached the stopped vehicle at the same time on opposite sides of the vehicle for safety purposes. This witness officer stated that he had a flashlight in his hand and approached the passenger's side of the vehicle from behind and at an angle so that he could illuminate and see inside the vehicle that had tinted windows. The other witness officer stated that he approached the vehicle to only obtain driver license information.

A San Francisco Police Department Subject Matter Expert (SME) officer was interviewed regarding Department training, procedures and requirements when conducting a traffic stop. The SME was asked how officers are trained to conduct traffic stops; how those stops are to be conducted; and the SME provided training information that officers receive for those activities. The SFPD academy learning domain was reviewed during the investigation and showed how traffic stops are classified and how officers should respond during these stops.

The SME was then provided the facts of this case and confirmed that the officer acted appropriately and within Department procedures when an investigatory traffic stop was conducted to determine if the officer saw a firearm. The SME confirmed that there are very few "SHALL" requirements and stated that officers "should" do things in a specific manner and are trained to use their discretion and constantly assess and re-assess what they are experiencing during any investigation and change tactics dependent upon the information gathered during the investigation. The SME stated that if the officer believed, but was not sure he observed a gun, the officer had a requirement to conduct immediate further investigation to determine if there was in fact a gun, which could be related to criminal conduct. The SME also said the officer was not under a "Shall" requirement to have the vehicle occupants exit the vehicle and then to conduct individual person searches or a vehicle search. The SME stated that officers have discretion when it comes to investigations and must use their best judgment based on their knowledge at the time, their experience, the information gathered during the investigation and their continual reassessment of the situation during the stop. Regarding other passengers in the stopped vehicle and another vehicle in the area, the SME stated that the officer did not have a requirement to identify all persons related to this stop and the main factor was to monitor all persons for safety purposes. This was accomplished by the witness officer who in his OCC interview stated that his objective during the stop was to cover the named officer, and for safety purposes, monitor the front and back seat passengers during this stop while the named officer conducted his investigation with the driver of the vehicle.

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SUMMARY OF ALLEGATION #3:

FINDINGS OF FACT: (continued) The SME stated that an officer's primary focus during this type of stop would be on the first car where the officer believed he saw a firearm which could be an immediate and primary threat. The second car would be considered a less than immediate threat, even more so if the second vehicle stopped on its own and was not interfering with the investigation into the first car. The stopped position of the second car made it less of a threat due to the distance between the complainant's stopped car and the second car with parked police cars and a police officer positioned in between both of the civilian cars. Once the named officer conducted his initial investigation and gathered information that led him to determine that there was no firearm in the first vehicle, the investigation would be concluded and the second vehicle would not have to be contacted because there was no threat or safety concerns based on the named officers reassessment of this situation.

During the course of the investigation the driver of the vehicle showed OCC the cell phone that he had on the night of this incident was a "Blackberry" phone that reflects light from the front face of the phone and further stated that it was in his hand when the officer said he believed he saw a gun in the man's hand. The OCC conducted an in person interview with the vehicle driver who is a young looking African American male. The complainant stated to OCC that the driver of the vehicle is a young looking, athletic African American male. All other persons on scene were interviewed by OCC but no independent witnesses were developed or came forward during the investigation. Based on the facts of the case including the interviews of all involved persons, SFPD training and the named officer's personal experience and observations that were not confirmed by any other witness regarding the possibility that a person had a firearm, there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: It was within the officer's discretion to travel beyond the district boundary for a lawful police purpose and Department dispatch recordings show the officer remained in contact with his supervisor during the period in question. The officer's initiation of a traffic stop was permitted by exceptions that allow stops if the activity is related to an ongoing criminal investigation and or when witnessing an aggravated situation requiring immediate action to protect life or property. At least one if not both exceptions would apply in this incident. The conditions of this stop did not warrant that the officer issue 849B Certificates of Release as the vehicle occupants were not physically restrained, taken from the vehicle, searched in any manner, moved any distance nor was the detention of a particular time length requiring the issuance of the Certificate of Release.

The officer did not violate Department Bulletin 08-268 when he did not enter the traffic stop into the E585 data base, as the current language of the Bulletin in reference to incidents involving 916 and 917 vehicle stops is permissive not mandatory. However, the OCC recommends that the DB 08-268 immediately be updated to include language making it mandatory that all vehicle stops including 916, 917 and other investigatory and criminal vehicle stop data be included and recorded under the E585 Traffic Data Collection program.

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DATE OF COMPLAINT: 10/21/10 **DATE OF COMPLETION:** 10/25/10 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officer placed cameras in the complainant's apartment.

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: 10/21/10 **DATE OF COMPLETION:** 10/25/10 **PAGE** #1 of 1

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

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: 10/19/10 **DATE OF COMPLETION:** 10/21/10 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she spoke to a station Captain regarding an incident and said she never intended to file a complaint against the officer named in the complaint that had been forwarded to OCC by the station Captain. Her concerns were more of a “big picture” complaint and she was not going to cooperate with any investigation into this complaint. She further stated that she had not filed the complaint and thus did not want any contact from OCC in regards to a findings letter. The case is being closed as no finding as the complainant said she had not filed the complaint and would not assist the investigation by providing any information.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/18/10 **DATE OF COMPLETION:** 10/29/10 **PAGE #1 of 1**

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

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant said he was a victim of a hit and run in which there was only property damage to his vehicle. Although the complainant did not provide complete and reliable information regarding his alleged hit and run incident, the complainant alleged the department is neglecting to assign someone to investigate his incident, which is still a misdemeanor crime. DGO 9.02 and current Department policy states that members need not investigate or report non-injury (property damage) vehicle accidents.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/08/10 **DATE OF COMPLETION:** 10/25/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers were harassing the complainant.

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

FINDINGS OF FACT: The complainant stated that he believed San Francisco police officers driving an unmarked vehicle were following him from his residence to work and then watching him while he worked. The complainant provided several license plate numbers and none of the plates were identified as SFPD vehicles. 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: 10/05/10 **DATE OF COMPLETION:** 10/25/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he provided the officer with documentation indicating fraudulent criminal activity on the part of an on-line company but the officer declined to initiate a criminal investigation. The Department provided OCC with the documentation that was reviewed by the named officer as provided by the complainant. The investigation showed that the officer's actions were appropriate when he determined there was no criminal activity and then advised the complainant to seek a civil remedy.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated his Americans with Disabilities Act rights were violated and the officer refused to enforce the violation and take a report. The American with Disabilities Act is a civil rights issue and non-criminal in nature. The officer followed Department protocol and advised the complainant how to resolve the civil dispute. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/10 **DATE OF COMPLETION:** 10/22/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers cited a citizen without cause.

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

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to accept a private persons arrest.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/10 **DATE OF COMPLETION:** 10/22/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers issued an invalid order.

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

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

SUMMARY OF ALLEGATIONS #7-8: The officers displayed threatening and inappropriate behavior.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/10 **DATE OF COMPLETION:** 10/04/10 **PAGE** #1 of 1

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

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

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

Administration
San Francisco General Hospital
1001 Potrero Avenue
S.F. CA 94110
Fax 206-3434

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/10 **DATE OF COMPLETION:** 10/29/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer did not respond promptly to the complainant's call for service.

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

FINDINGS OF FACT: The complainant called the 311 non-emergency phone number and complained that there was loud music and possibly 200 persons in front of a restaurant that was permanently closing after this night. Dispatch communicated the call to the San Francisco Police Department as a "C" priority 415 (Noise Complaint). Department Records show that an officer responded to the call approximately three hours after the complainant placed his complaint. The evidence showed that the officer's actions were lawful and appropriate as he was dispatched to a "C" Priority call which allows the officer to respond in a non emergency manner as there were no safety issues to life or property.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1-3: The officer failed to take the required action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 18, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 5, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/10 **DATE OF COMPLETION:** 10/20/10 **PAGE** #1 of 1

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

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 October 18, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/10 **DATE OF COMPLETION:** 10/06/10 **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 October 1, 2010.

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate citation.

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 October 1, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/10 **DATE OF COMPLETION:** 10/22/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION # 4-6: The officers entered and searched a residence without cause

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

FINDINGS OF FACT: The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/10 **DATE OF COMPLETION:** 10/22/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION # 7-9: The officers seized the complainant's property without cause

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

FINDINGS OF FACT: The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/10 **DATE OF COMPLETION:** 10/06/10 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 30, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/10 **DATE OF COMPLETION:** 10/06/10 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 30, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1 & 2: The officers arrested the complainant's fiancé without cause.

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

FINDINGS OF FACT: The complainant stated in her written complaint that the officers arrested her fiancé without cause. Department records establish that the officers were summoned to the complainant's home on a report of a woman screaming for help. The incident report prepared by one of the named officers states that the complainant told the officers that her fiancé assaulted her and that she had visible injuries which he photographed. Department regulations require officers to make an arrest in all instances of domestic violence. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/10 **DATE OF COMPLETION:** 10/20/10 **PAGE #1 of 1**

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

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 October 15, 2010.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 15, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/10 **DATE OF COMPLETION:** 10/14/10 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant is homeless and related through his mother that he wished to withdraw the citizen complaint.

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

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

FINDINGS OF FACT: The complainant is homeless and related through his mother that he wished to withdraw the citizen complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/10 **DATE OF COMPLETION:** 10/01/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated that he was driving on a highway in Contra Costa County when a San Francisco Police Department motorcycle officer pulled alongside his car and yelled an ethnically-related insult at him. The complainant's nephew, who was in the car with him, confirmed the complainant's account. The vehicle number provided by the complainant did not match that of any San Francisco Police Department motorcycles. Department records do not indicate that any San Francisco Police Department motorcycle officer was in Contra Costa County at the time of the incident. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that he was driving on a highway in Contra Costa County when a San Francisco Police Department motorcycle officer pulled alongside his car and used profanity. The complainant's nephew, who was in the car with him, confirmed the complainant's account. The vehicle number provided by the complainant did not match that of any San Francisco Police Department motorcycles. Department records do not indicate that any San Francisco Police Department motorcycle officer was in Contra Costa County at the time of the incident. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/10 **DATE OF COMPLETION:** 10/01/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was driving on a highway in Contra Costa County when a San Francisco Police Department motorcycle officer pulled alongside his car and made inappropriate statements. The complainant's nephew, who was in the car with him, confirmed the complainant's account. The vehicle number provided by the complainant did not match that of any San Francisco Police Department motorcycles. Department records do not indicate that any San Francisco Police Department motorcycle officer was in Contra Costa County at the time of the incident. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that he was driving on a highway in Contra Costa County when a San Francisco Police Department motorcycle officer pulled alongside his car and yelled at him, then drove in an unsafe manner. The complainant's nephew, who was in the car with him, confirmed the complainant's account. The vehicle number provided by the complainant did not match that of any San Francisco Police Department motorcycles. Department records do not indicate that any San Francisco Police Department motorcycle officer was in Contra Costa County at the time of the incident. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 30, 2010.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 30, 2010