

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/10 **DATE OF COMPLETION:** 03/30/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was arrested for urinating in public and being drunk in public. The complainant acknowledged doing both. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #4-6: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated he refused to get into the patrol car and the officers kicked and punched him. Two of the officers did not recall this incident; the complainant filed his complaint over seven months after he was arrested. One officer stated that he conducted a central nervous system hold, a Department-approved pain compliance technique, on pressure points in the complainant's neck, back and outer thigh using his fingers to apply pressure. Pressure on each point was applied for just a few seconds but it had no effect on the complainant. He stated no one kicked or punched the complainant. The two officers who transported the complainant did not recall this incident.

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SUMMARY OF ALLEGATIONS #7-9: The officers used made inappropriate remarks to the complainant.

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

FINDINGS OF FACT: The complainant stated the officers made inappropriate remarks to him. He also acknowledged being intoxicated at the time of this incident. The officers denied making inappropriate remarks. Two witness officers did not recall this incident. There was no additional evidence or witnesses to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant reported his juvenile stepdaughter missing when she left school without authorization. Two officers responded and immediately began a search. They obtained the name and address of the girl's boyfriend and responded to that location. The boys' parents told the officers that the two juveniles had been there but just left. They said the pair walked to Mission Street where the girl could catch a bus home. The officers immediately went to Mission Street and searched bus stops as well as buses that drove past, using a photo of the girl. Unsuccessful, they returned to the boy's residence and spoke with his parents again. They asked the boy's mother to try and call her son on his cell phone. She did, and said her son was not answering his phone. The officers were unaware that the complainant called the police a second time to say he located his stepdaughter. The officers fulfilled every requirement of Department General Order 6.10 (Missing Persons) in their investigation. Their conduct was proper.

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

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

FINDINGS OF FACT: The complainant was arrested for an outstanding warrant confirmed by the Central Warrants Bureau. In his Office of Citizen Complaints interview, the complainant did not deny that he had an outstanding warrant. The officers' conduct was proper.

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SUMMARY OF ALLEGATION #5: The officer pointed his firearm at the complainant without justification.

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

FINDINGS OF FACT: The complainant stated when he located his missing stepdaughter he told her she was going to be punished for her actions. As he pulled her to his car, she began yelling, "Help me, help me!" Two officers pulled up alongside them and asked what was going on. The complainant told the officers his stepdaughter had left school and she was going to be punished for it. The complainant asked if he was being detained, and when they said he wasn't, he said, "I'm leaving." The complainant's cell phone then loudly rang and he reached inside his pocket to retrieve it. One of the officers then pulled his gun and pointed it at the complainant.

The complainant's wife stated she saw her husband take her daughter by the arm and was taking her to the car when her daughter began yelling that she didn't want to go with the complainant, and that he had struck her. She then saw an officer pull a gun on her husband.

The officer stated the complainant behaved in an extremely belligerent manner and refused to answer questions. The complainant kept his back to the officers and refused to obey repeated instructions to take his hands off his stepdaughter and turn around. The complainant made a quick furtive movement with his right hand towards his waist area where the officer saw what appeared to be the bottom of a black firearm magazine. In that moment, the officer feared for his safety and the safety of his partner and the girl, and pointed his firearm at the complainant. The officer's partner stated he could not speak for his partner.

Department General Order 5.02 states that nothing in that policy prohibits the drawing of a firearm when an officer reasonably believes it is necessary for his own safety and the safety of others. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 01/25/10 **DATE OF COMPLETION:** 03/03/10 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The allegation 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: 01/29/10 **DATE OF COMPLETION:** 03/17/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

SUMMARY OF ALLEGATION #1: This complaint is not within OCC's jurisdiction.

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

FINDINGS OF FACT: The allegation raises matters not within OCC's jurisdiction. The complaint is to be forwarded to the Chief of Police.

Chief of Police
San Francisco Police Department
850 Bryant Street, 5th Floor Rm 525
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/11/10 **DATE OF COMPLETION:** 03/31/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant stated the officer behaved in a rude and overly aggressive manner.

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

FINDINGS OF FACT: The complainant admitted he made an illegal left turn at a specified intersection. He said he and a friend who was driving a vehicle behind him were both stopped by the same officer. The officer was alone and dealt with the complainant's friend first. While the officer conducted his investigation of the complainant's friend, the complainant admitted he exited his vehicle and began walking toward his friend's vehicle. The officer noticed this, loudly ordered the complainant to return to his vehicle, and said so with his hand on his holster. The complainant complied and began a cellular phone call. The complainant admitted the call distracted him. He exited his vehicle again and began pacing outside his car. The officer saw the complainant do this. The officer loudly commanded the complainant to return to his car, with his hand on his holster. The complainant complied. He admitted the officer caught him outside his vehicle. He insisted he was not the "criminal type" and felt undeserving of what he termed the officer's aggressive response. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/11/10 **DATE OF COMPLETION:** 03/11/10 **PAGE** #1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/10/10 **DATE OF COMPLETION:** 03/30/10 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated he was driving his newly purchased vehicle when he was stopped. The complainant stated the vehicle had no front license plate. The complainant told the OCC that although he had a suspended driver's license, he believed that he had the right to drive the vehicle he had just purchased. Department records show that the complainant was initially stopped for not having a front license plate. The citation shows the complainant was cited for no license plate, no insurance, and for having a suspended driver's license. Based on the complainant's own admission, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant was pulled over for having no front license plate. The complainant told the OCC that he refused to provide his driver's license to the officer because he committed no crime. The complainant admitted to not having a front license plate on his vehicle and admitted driving with a suspended driver's license. The officer's report shows that he searched the complainant's vehicle to establish the complainant's identity and license status. The officer wrote that the complainant refused to cooperate. Based on the complainant's own testimony, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant was stopped for having no front license plate. The complainant stated that when he continued to refuse to provide his driver's license and/or information, the officer asked him to step out of the vehicle. The complainant was then searched and placed in handcuffs. Based on the complainant's own testimony, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer towed the complainant's vehicle.

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

FINDINGS OF FACT: The complainant admitted driving with a suspended driver's license. Based on the complainant's own testimony, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he was driving his newly purchased vehicle when he was stopped. The complainant stated the vehicle had no front license plate. The complainant told the OCC that although he had a suspended driver's license, he believed that he had the right to drive the vehicle he had just purchased. Department records show that the complainant was initially stopped for not having a front license plate. The citation shows the complainant was cited for no license plate, no insurance, and for having a suspended driver's license. Based on the complainant's own admission, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #6: The officer was rude due to bias. .

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

FINDINGS OF FACT: The complainant stated he was driving his newly purchased vehicle when he was stopped. The complainant stated the vehicle had no front license plate. The complainant stated that when he exited his vehicle, the officer yelled for him to get back into his vehicle. The complainant considered the officer's action as being rude and racist. The officer denied that the complainant's race had anything to do with the traffic stop and the officer's subsequent actions. The preponderance of the evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

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DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 03/11/10 **PAGE#** 1 of 1

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

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

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

United States Department of State
Diplomatic Security Service
San Francisco Field Office
235 Pine Street, Suite 900
San Francisco, CA 94104

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 03/11/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant evaded Muni Transit Fare Inspectors and SFPD officers attempting to verify that he had paid his Muni fare. The officers had reasonable suspicion to detain the complainant and when the complainant refused to cooperate the officers had probable cause to arrest him. The complainant admitted to ignoring several law enforcement efforts to detain him and then once he was detained admitted to being uncooperative. The actions of the officers were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/19/10 **DATE OF COMPLETION:** 03/16/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer detained the complainant for involuntary psychiatric evaluation without justification.

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

FINDINGS OF FACT: The complaint stated that he called 911 and asked for help after experiencing a “sudden shock in his head.” However, the complainant felt the responding officer had no reason to detain and transport him to the psychiatric ward of the San Francisco General Hospital (where he was treated for eleven days and then released). The complainant acknowledged that he had several other mental health detentions in the past and was under psychiatric care at the time of this incident. The evidence obtained by the OCC indicated that, given the information available to the officer at the time, he had sufficient reasons to detain the complainant for psychiatric evaluation and treatment. 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 handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the officer should not have placed him in handcuffs while transporting to the psychiatric ward of the SFGH. The evidence obtained by the OCC indicated that the complainant, who had a history of prior mental health detentions, was detained for involuntary psychiatric evaluation and treatment and, due to officer safety concerns, it would have been reasonable for the named member to place him in handcuffs during transportation to the medical facility. The evidence proved that the acts, which provided the basis for the allegations occurred, however, such acts were justified, reasonable and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/19/10 **DATE OF COMPLETION:** 03/16/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer escorted the complainant from the premises without justification.

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

FINDINGS OF FACT: The complaint stated that the officer had no reason to escort him from the building. The OCC found that the named member was dispatched to the premises on a call regarding “suspicious person” and he escorted the complainant from the building on request from the property manager. 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
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DATE OF COMPLAINT: 02/19/10 **DATE OF COMPLETION:** 03/25/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated a San Francisco Police Department officer yelled at her when they were both stopped at the stoplight. The complainant could not provide sufficient identifying information concerning the involved member in order to identify and question this officer regarding the alleged misconduct. The evidence was insufficient to identify the officer or either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/17/10 **DATE OF COMPLETION:** 03/11/10 **PAGE** #1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/21/10 **DATE OF COMPLETION:** 03/03/10 **PAGE** #1 of 1

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

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

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

San Francisco Community College Police
50 Phelan #C-119
San Francisco, CA 94112

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/24/10 **DATE OF COMPLETION:** 03/30/10 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant claimed that the officer who participated in the investigation that resulted in the complainant's conviction for sexual assault charges did not conduct a proper investigation. The conduct described by the complainant did not constitute a violation of Department regulations or relevant laws. The actions complained of were proper.

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

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

FINDINGS OF FACT: The action complained of did not involve a sworn member of the Department and has been referred to the California Medical Board.

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DATE OF COMPLAINT: 02/22/10 **DATE OF COMPLETION:** 03/26/10 **PAGE#**1 of 1

SUMMARY OF ALLEGATION #1: The complainant has alleged that members of the department are engaged in harassment.

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

FINDINGS OF FACT: The complainant has self-identified herself as a member of an advocacy group opposed to the death penalty. The complainant alleged in her complaint that members of the SFPD are engaged in harassing an individual who is currently on death row awaiting execution. The complainant further alleged that this individual should not have been subjected to providing samples of his DNA.

The SFPD provided the OCC with documentation that by order of the court a search warrant was issued requiring the incarcerated individual to comply with the court's order.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/03/10 **DATE OF COMPLETION:** 03/04/10 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction, and it will be referred to: SFSD Investigative Services Unit
25 Van Ness Avenue, Room 320
San Francisco, CA 94102
(415) 554-2380

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

SUMMARY OF ALLEGATION #2: The complainant alleged police officers used unnecessary force.

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

FINDINGS OF FACT: The evidence proved that the acts alleged in the complaint did not occur.

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

SUMMARY OF ALLEGATION #1: Information only.

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

FINDINGS OF FACT: The issues raised in this complaint were outside of the OCC's jurisdiction and the complaint was forwarded for further actions to:

SFPD Psychiatric Liaison Unit
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

San Francisco Municipal Transportation Agency (SFMTA)
Department of Parking and Traffic (DPT)
11 South Van Ness Avenue
San Francisco, CA 94103
(415) 701-3000

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

San Francisco Municipal Transportation Agency (SFMTA)
Department of Parking and Traffic (DPT)
11 South Van Ness Avenue
San Francisco, CA 94103
(415) 701-3000

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/23/10 **DATE OF COMPLETION:** 03/30/10 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer displayed a rude demeanor and comments during a detention.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/14/09 **DATE OF COMPLETION:** 03/05/10 **PAGE** #1 of 11

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 she stopped on the sidewalk to take her medication for nausea. The complainant said she was arrested for having her medication in possession; a controlled substance. The officer observed the complainant going through her pouch and counting pills in plain view. She was in possession of several controlled substances without prescriptions, a violation of several Health & Safety code sections. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said the officer promised to return her property (unopened bottle of alcohol) once she was released from jail. She returned to the police station and was told her property had been disposed of. The officer could not recall the exact details of the complainant's property other than what was documented on the incident report. The officer did not recall confiscating or processing a bottle of unopened alcohol when the complainant was arrested. The district station property control log corroborated no evidence of an unopened bottle of alcohol booked as property for the complainant. The records indicated the complainant's property consisted of a pill bottle and a pouch. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/14/09 **DATE OF COMPLETION:** 03/05/10 **PAGE #2 of 11**

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

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

FINDINGS OF FACT: The complainant alleged her arrest was retaliatory due to a complaint she filed against other officers two days prior. The complainant said the officers harassed her because they know she always has medication in her possession. The officer denied the allegation. The officer did not recall having any prior contacts with the complainant. He had no recollection of the complainant's detention two days prior at the district station. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 4-5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged she stopped briefly to greet a male acquaintance and an unknown white male. She walked into a nearby grocery store and was detained by an officer upon exiting the store. The primary officer said on the corner of an intersection he observed the complainant and a white male engaged in what he believed to be a drug transaction. The two subjects were huddled close together and looked to be exchanging small objects in their hands. He stopped the patrol car in front of the two subjects. The primary officer and his partner detained the white male while the complainant walked away and into the corner store. When the complainant came out of the store, the primary officer ordered her to stop. The complainant ignored him. He grabbed the complainant by the outside of her jacket near her arm and shoulder and made the complainant stop for the detention. The partner officer said while traveling southbound near an intersection, he observed the complainant in a conversation with a white male. The complainant and the white male were in close proximity and looking over their shoulders as if trying to hide something. He saw the white male with a pill bottle and saw pills being exchanged. They stopped and initially both detained the white male. His partner detained the complainant to check if she had the white male's prescribed pills in her possession. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/14/09 **DATE OF COMPLETION:** 03/05/10 **PAGE** #3 of 11

SUMMARY OF ALLEGATION #6-7: The officers made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant said the detaining officer grabbed her jacket to detain her. She was told to shut up and called a liar numerous times. The complainant alleged the partner officer told her, at one point, to just leave the scene and they would only confiscate her knife. The primary officer said he thought the complainant was attempting to avoid his investigation by walking into the store. He ordered her to stop and she ignored him. He grabbed the complainant by the outside of her jacket near her arm and shoulder and made her stop for the detention. The primary officer said he did not make inappropriate comments to the complainant. The partner officer denied telling the complainant they would only confiscate her illegal knife and to leave the scene. He did not make inappropriate comments to the complainant. Both witness officers denied hearing the named officers make inappropriate comments toward the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #8: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant said she was handcuffed, placed in the patrol car and then released to sign a citation. A sergeant ordered the officer to respond to the district station, and the complainant was handcuffed again. The officer said initially he found a switchblade knife in the complainant's purse. The complainant was handcuffed and placed in the back of the patrol car. The officer explained the complainant had to be handcuffed due to placing her in the patrol car, their lack of a full cursory search on a female custody and the fact that they found a weapon in her purse. Once the sergeant ordered him to return to the district station with the complainant, he had to handcuff the complainant again while transporting her to the station. The Department arrest and control manual corroborates that handcuffing the complainant during the detention and transportation was appropriate for officer safety. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/09 **DATE OF COMPLETION:** 03/05/10 **PAGE** #4 of 11

SUMMARY OF ALLEGATION #9: The officer used profanity toward the complainant.

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

FINDINGS OF FACT: The complainant stated the officer used profanity when he detained her and told her to put her personal items on the ground. The officer denied using profanity towards the complainant. He affirmed he told the complainant to drop what she was carrying. The witness officer said he did not hear the named officer use profanity towards the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #10: The officer searched (probation) the complainant without cause.

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

FINDINGS OF FACT: The complainant said the officer did not ask her whether she was on probation. The complainant said she has never been on probation. She was searched during the detention. The officer said he observed the complainant and a white male exchange small objects thought to be illegal drugs. He made contact with the complainant and immediately asked her if she were on parole or probation, to which she answered she was on probation. He began a probation search on the complainant's person and searched her for suspected drugs. The witness officer said he specifically heard the named officer ask the complainant if she was on parole or probation. The witness officer heard the complainant respond, "I am on probation." SFPD records corroborated the complainant was on court probation for three years, effective 05/24/06 through 05/24/09. However, San Francisco Superior Court records indicate that although the complainant was on probation for a misdemeanor crime, it did not include a search condition. The named officer did not ask whether the complainant's probation included a search condition. The officer's incident report corroborates that he took no steps before searching the complainant to determine whether the complainant had a search condition. Furthermore, the officer's incident report states a computer check at the police station was unable to confirm that the complainant was on probation. The officer's search of the complainant and the complainant's personal property violated Department General Orders, the Fourth Amendment and case law. 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: 03/14/09 **DATE OF COMPLETION:** 03/05/10 **PAGE** #5 of 11

SUMMARY OF ALLEGATION #11-12: The officers searched the complainant's personal property.

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

FINDINGS OF FACT: The complainant said the officer did not ask her whether she was on probation. The complainant said she has never been on probation. Her personal belongings were searched by the officers at the scene. The officer said he observed the complainant and a white male exchange small objects thought to be illegal drugs. He made contact with the complainant and immediately asked her if she were on parole or probation, to which she answered she was on probation. He began a probation search on the complainant's person and searched her for suspected drugs. He searched the complainant's purse after the assisting officer had searched the same purse.

The assisting officer said he was made aware the stop was related to a drug transaction. The named officer told him the complainant was on probation and a knife had been found in her purse. He conducted a search for additional contraband. The officer picked up the complainant's purse from the ground and searched her purse for weapons and contraband. The witness officer said he specifically heard the named officer ask the complainant if she was on parole or probation. The witness officer heard the complainant respond, "I am on probation."

During the detention, the white male was subsequently released by one of the officers, determining that he had a valid prescription for the drugs. By releasing the male, they demonstrated that their suspicion had been dispelled. The officers did not articulate they learned of additional facts from the male to support their belief that a narcotics transaction had occurred between the white male and complainant. Therefore, the officers' observations of two individuals exchanging objects in an area of frequent narcotics traffic failed to provide probable cause.

SFPD records corroborated the complainant was on court probation for three years, effective 05/24/06 through 05/24/09. However, San Francisco Superior Court records indicate that although the complainant was on probation for a misdemeanor crime, it did not include a search condition. The named officer did not ask whether the complainant's probation included a search condition. The officer's incident report corroborates that he took no steps before searching the complainant to determine whether the complainant had a search condition. Furthermore, the officers incident report states a computer check at the police station was unable to confirm that the complainant was on probation. Both officers lacked any basis for believing that the complainant was subject to a search condition. The officer's search of the complainant and the complainant's personal property violated Department General Orders, the Fourth Amendment and case law. 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: 03/14/09 **DATE OF COMPLETION:** 03/05/10 **PAGE** #6 of 11

SUMMARY OF ALLEGATION #13-14: The officers prolonged the complainant's detention.

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

FINDINGS OF FACT: The complainant said the officer handcuffed her, placed her back into the patrol car and took her to the police station. She was detained for approximately two hours at the police station and released by the sergeant.

The officer said during the subject stop, the complainant claimed her money was missing from her purse. He called the sergeant to the scene in regards to the alleged missing money. The sergeant responded and ordered the involved officers back to the station. The named officer was told to transport the complainant back to the station for further investigation. He handcuffed the complainant and transported her to the station, as directed. All three witness officers corroborated the sergeant ordered them all back to the station for further investigation.

The sergeant stated he was summoned to the scene and conducted a search of the complainant's personal property in an attempt to locate the alleged missing money. The sergeant and the involved officers could not locate the alleged missing money. The sergeant affirmed he told everyone to respond to the station to further investigate and to apprise his superior officer of the allegations against the officers. Based on Department General Orders, sergeants must take appropriate action when policies and procedures may not have been complied with. However, the officers' search of the complainant and the complainant's personal property violated Department General Orders, the Fourth Amendment and case law. Thus the prolonged detention was a furtherance and continuation of the searches. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/14/09 **DATE OF COMPLETION:** 03/05/10 **PAGE #7 of 11**

SUMMARY OF ALLEGATION #15-16: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant said officers searched her brown purse during the detention. An officer located her nine hundred dollars (\$900.00) in a red pouch inside her brown purse. The officer that located her money asked her why she had so much money. She was handcuffed, placed in the patrol car and her purse put into the trunk of the same patrol vehicle. When she was released and given her brown purse, she discovered the nine hundred dollars (\$900.00) missing from her red pouch inside the brown purse.

The primary officer said during the subject stop he placed the complainant's brown purse on the ground and searched her for contraband and weapons. A back up officer arrived on the scene and began searching the complainant's large brown purse. The back up officer found a small red pouch with an unknown amount of money inside. The primary officer recalled the back up officer ask the complainant why she had so much money on her. The complainant responded she had just cashed a check. The primary officer then picked up the brown purse from the ground and went through the rest of the purse. He found a spring-loaded knife (violation of 653K PC) inside a cardboard box in the brown purse. Her purse and personal belongings were placed in the trunk of the patrol car by an unknown officer and the trunk lid closed. The complainant was handcuffed and placed in the back of the patrol car. Once the citation was prepared, he released the complainant from the patrol car and removed the handcuffs. He recalled his partner officer handed the complainant's purse and belongings directly from the trunk to the complainant. The complainant was standing near the rear of the patrol car and trunk when she received her purse and belongings.

The primary officer observed the complainant take a few steps away from the officers with her belongings. He observed the complainant bend and squat down, then looking through her purse. The complainant asked where her money was and questioned why she could not find her nine hundred dollars (\$900.00).

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DATE OF COMPLAINT: 03/14/09

DATE OF COMPLETION: 03/05/10

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SUMMARY OF ALLEGATION #15-16: The officers failed to properly process the complainant's property.

CATEGORY OF CONDUCT: ND
(Continued)

FINDING: S

DEPT. ACTION:

The back up officer said he arrived on scene and was made aware the subject stop was related to a drug transaction. The primary officer told him the complainant was on probation, so he conducted a search for additional contraband. The complainant's purse was on the ground against the wall. He picked the purse up from the ground and searched it for weapons and contraband. He recalled her belongings consisted of clothing and a little bright colored pink purse inside a big brown purse. During the search, the back up officer affirmed he did see money in the pink purse. The officer said he saw at least a one hundred dollar (\$100.00) bill, though there could have been additional dollar bills. He asked the complainant, "Why do you have so much money?" She said she had just cashed a check. Once he saw negative evidence of drugs, he closed the pink purse and put it back into the brown purse. The officer said he did not count or touch the money. Once he determined the search was negative; he passed the brown purse to one of the primary officers and left the scene. The back up officer said they left the scene for a couple of minutes and returned when they saw the primary officers were still on scene with the complainant.

When the back up officer returned to the scene he saw the complainant sign the citation and her property retrieved from the trunk of the primary officer's patrol car. The complainant grabbed her property and took possession of it. He heard the complainant yelling that her money was missing; that she had nine hundred dollars (\$900.00) inside her purse and it was now missing. He told the complainant her money was in her purse and they should check again. The back up officer said they searched her purse again and unfortunately, there was nothing there. There was no money. They also helped to search in the trunk area of the patrol car. The named primary officer and both witness officers heard the back up officer ask the complainant why she had so much money while searching the interior of her purse.

Department General Order states, "The member who first receives or take property is responsible for it..." Both officers took control and possession of the complainant's purse during this subject stop and detention. The primary officer allowed the back up officer to interrupt his "chain of custody" and search the complainant's purse. When the back up officer completed his search, the primary officer regained possession of the complainant's purse and searched it again. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/09 **DATE OF COMPLETION:** 03/05/10 **PAGE** #9 of 11

SUMMARY OF OCC ADDED ALLEGATION #1: The officer conducted a strip search of the complainant without cause or consent.

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

FINDINGS OF FACT: The complainant stated while at the police station, she was strip searched three times by an Asian female officer.

The identified officer stated she did not perform a strip search on the complainant and was not asked to perform a strip search on the complainant. She was instructed to search the complainant for weapons. The officer performed a cursory search on the complainant and used the electronic wand on the complainant, as well. The results of both searches were negative. The arresting officer was aware a search had been conducted on the complainant. However, he had no knowledge if a strip search was performed on the complainant. One of the witness officers initially stated he believed a strip search was performed on the complainant. The witness officer then relayed he wasn't exactly sure, he wasn't told, and then settled on stating he wasn't sure what type of search was done on the complainant. The other two witness sergeants and two witness officers present at the police station stated they had no knowledge of the complainant being strip searched. One of the witness sergeants stated the search was performed for the alleged missing money.

There was no evidence of an authorization form for a strip search on the complainant attached to the incident report. The incident report did not state a strip search was performed on the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/14/09 **DATE OF COMPLETION:** 03/05/10 **PAGE** #10 of 11

SUMMARY OF OCC ADDED ALLEGATION #2: The officer wrote an inaccurate and/or incomplete incident report.

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

FINDINGS OF FACT: The report writing officer failed to include numerous facts and events that occurred during the investigation. The officer failed to write an incident report to document the prolonged detention of the complainant.

The reporting officer considered the incident report to be factual, accurate and complete, as far as he knew. The officer affirmed he did not include the detained white male subject in the report as a detainee or as a witness to the event. The officer explained the white male subject had a prescription for the pills and was released; He did not consider him a witness. The officer said he did not identify the type of pills involved in the alleged drug transaction because the report was about the complainant's possession of a switchblade knife. The incident report said the complainant's probation status could not be verified at the computer at the station, yet the complainant was searched because of her probation status. The officer did not recall writing a statement in the report regarding the unverified probation status of the complainant. As far as he knew, the complainant was on probation. He speculated it could have been included in his report by other officers assisting him in preparing the report. The report failed to identify which female officer searched the complainant at the station. The officer claimed he did not know who searched the complainant or what type of search had been conducted on the complainant. The officer stated he did not know who released the complainant from her prolonged detention and did not know who issued the complainant a certificate of release. Yet, the incident report concluded by stating a sergeant released the complainant and issued a Certificate of Release.

Furthermore, the incident report failed to state the complainant alleged her money went missing from her purse while in the control and care of the officers. The report did not include that a supervisor was called to the scene. The incident report did not detail the supervisor conducted a search and primary investigation of the complainant's allegations. The reporting officer wrote the complainant was transported to the police station for further investigation. The officer failed to explain that he was ordered by the sergeant to transport the complainant to the station to further investigate her claim of missing money. The reporting officer explained he omitted the aforementioned facts and events from the incident report because it was a separate incident from the violation of the switchblade knife. Moreover, a discrepancy was noted in regards to the amount of money observed by the back up officer. The amount of money in the incident report is described significantly different than the reporting officer's OCC Member Response Form. Lastly, the reporting officer prolonged the complainant's detention and transported her to the police station. The officer said he was not told to submit a supplemental report of the alleged missing money incident. His superior told him to write just the switchblade report. When a prolonged detention occurs, the Department General Order clearly states the duties of the detaining officer. The detaining officer must issue a certificate of release and write an incident report to include the reasons the individual was detained such a long time and why he/she was moved. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF OCC ADDED ALLEGATION #3: The sergeant failed to properly supervise a subordinate as required by General Orders.

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

FINDINGS OF FACT: The reviewing officer of the incident report failed to observe and make necessary corrections to the incident report. Secondly, the reviewing sergeant failed to instruct the officer to write an incident report to document the prolonged detention of the complainant .

The reviewing officer said that he considered the incident report to be factual, accurate and complete, based on the information he knew at the time. The officer agreed the other person detained during the initial subject stop should have been included in the report as a person detained and/or witness. The officer said the drug/medication was not identified in the report because officers are not medical professionals. The officer agreed that the identity of the female officer who performed the search on the complainant should have been included in the report. He did not discuss the complainant's unverified probation status with the reporting officer because he didn't know the mind of the officer at the time and if there were some other probable cause issues involved at the time he made the stop.

The reviewing officer stated he responded to the scene, as requested. He conducted a thorough search of the area, the complainant's belongings, and the patrol car with negative results. He told the officers to respond to the police station for further investigation of the complainant's alleged missing money. He was at the scene for approximately 15-20 minutes. He arrived at the station and apprised his superior officer of the situation. The lieutenant conducted the investigation from that point on.

The reviewing officer said the complainant's alleged missing money was not documented in the report because it was part of an internal investigation. He explained the ambiguous statement in the report of "further investigation" was in regards to the allegation of missing money. The incident report failed to mention that he arrived on scene and searched for the alleged missing money because the report is strictly about the possession of the knife.

He did not know if any other officer prepared a supplemental report. He did not complete a supplemental report. The reviewing officer stated if a supplemental was to be written, it would have been under the purview of the Department's investigative bureaus. The reviewing officer affirmed he issued the complainant a certificate of release. Department General Order clearly states the duties of the detaining officer. The detaining officer must issue a certificate of release and write an incident report to include the reasons the individual was detained such a long time and why he/she was moved. The reviewing officer is equally responsible for failing to direct his subordinate to write the incident report or to write it himself. The reviewing officer was the responding supervisor to the scene. He ordered the officers to further detain the complainant, the supervisor who issued the complainant a certificate of release and the supervisor who reviewed the reporting officer's report. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/25/10 **DATE OF COMPLETION:** 03/27/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/25/10 **DATE OF COMPLETION:** 03/27/10 **PAGE #1 of 1**

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

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

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

SFSD - Investigative Services Unit
25 Van Ness Avenue, Room 350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/25/09 **DATE OF COMPLETION:** 03/30/10 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION #1 and #2: The officers detained the complainant.

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

FINDINGS OF FACT: The justification for the complainant's detention was the search condition of the complainant's parole. The officers detained the complainant to exercise this search condition, as is their right. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3 and #4: The officers searched the complainant.

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

FINDINGS OF FACT: The cause for the search was the complainant's search condition of parole. This condition and his status as a narcotics offender were known to the officers, and they elected to exercise this search condition, which was allowed by law. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 03/25/09 **DATE OF COMPLETION:** 03/30/10 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #5 and #6: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant admitted in his interview that he was in possession of a “controlled substance at the time he was arrested. The complainant admitted that for which he was arrested. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #7 and #8: The officers used unnecessary force during this arrest.

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

FINDINGS OF FACT: The complainant admitted that the complainant resisted arrest by keeping his hands under his body and around his head instead of allowing himself to be handcuffed. The complainant admitted that he resisted one officer by rising up to his knees as this officer was attempting to handcuff him. The complainant stated that another officer hit him in the kidney area and ceased his resistance and let the officers handcuff him. The complainant complained in his written narrative that the force used was unnecessary because he defecated as a result of it; in his interview he stated that he defecated and vomited as a result of it, adding a second result as “proof” that the force was unnecessary. There is no proof that the complainant defecated or vomited, however. The officer did not memorialize that in the incident report, and wrote only that the complainant complained of pain to his ribs and a medic was called for that reason. The officers stated that the force was necessary to overcome the complainant’s resistance to arrest. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/25/09 **DATE OF COMPLETION:** 03/30/10 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #9: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant said he felt the officer wrote the report to make it appear that a firearm magazine on the ground during his arrest belonged to the complainant. The report is accurate in that the officer authorizing the report stated that it was his own firearm magazine that had fallen to the ground. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/03/09 **DATE OF COMPLETION:** 03/24/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1:The officer used profanity.

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

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

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

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

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

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DATE OF COMPLAINT: 04/03/09 **DATE OF COMPLETION:** 03/24/10 **PAGE#** 2 of 2

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

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

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

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

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

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

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DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 03/09/10 **PAGE** #1 of 4

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

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

FINDINGS OF FACT: The complainant stated he observed the named officer detain a man. During the detention, a woman, who became a co-complainant, attempted to videotape the detention with her cell phone. The complainant stated the officer grabbed the woman's cell phone causing it to fall on the ground and placed the woman in handcuffs. The complainant further stated the woman's cell phone did not break. The co-complainant corroborated the complainant's story but stated her cell phone did break. The co-complainant was not able to provide any verification that her cell phone was broken or provide any receipt showing the purchase of a new cell phone. The officer stated the woman came within two feet of his detention and for officer safety; he had to detain her because he did not know of her involvement with the suspect he was detaining. The named officer also denied the allegation of deliberately throwing the woman's cell phone and breaking it. The officer stated while he was trying to place the woman in handcuffs, her resistant movements caused her cell phone to fall to the ground, but it was not broken. A witness officer corroborated the named officer's explanation about the woman being too close to their investigation, but did not observe the cell phone thrown or fall to the ground. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer yelled at him in an intimidating manner when he asked the officer for his name and star number. The officer denied the allegation. A witness officer stated the named officer was professional during this incident. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 03/09/10 **PAGE #2 of 4**

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

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

FINDINGS OF FACT: The complainant stated the officer took the co-complainant's phone and threw it on the ground during her observation of a detention. The co-complainant stated the officer deliberately took her phone and threw it on the ground because she was attempting to videotape a detention. The officer denied the allegation in his Member Response Form. During his subsequent OCC interview, the officer clarified his member response form and stated that when he attempted to detain the co-complainant, the phone fell out of her hand due to her resistant behavior. A witness officer did not observe the named officer throw the cell phone or observe the cell phone fall to the ground. The evidence proved that the act alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated the named officer detained the co-complainant because she was attempting to videotape the officer detain a man. The co-complainant stated the named officer detained her because she was attempting to video tape the officer detain a man. The officer stated the co-complainant came within two feet of the detention and for officer safety he had to detain her because he did not know her involvement with the suspect he and his partner were detaining. A witness officer corroborated the named officer's explanation of the detention of the co-complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 03/09/10 **PAGE** #3 of 4

SUMMARY OF OCC ADDED ALLEGATION #3: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the named officer handcuffed the co-complainant because she was attempting to videotape the officer detain a man. The co-complainant stated the named officer handcuffed her because she was attempting to video tape the officer detain a man. The officer stated the co-complainant came within two feet of the detention and for officer safety he had to handcuff and detain her because he did not know her involvement with the suspect he and his partner were detaining. A witness officer corroborated the named officer's explanation of the handcuffing of the co-complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #4: The officer detained a person without justification.

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

FINDINGS OF FACT: The complainant stated he observed the officer detain a man outside his place of employment. The co-complainant also observed the officer detain the man. The officer stated the man fit the description of a suspect he and his partner were looking for regarding a serious crime. The suspect who was detained could not be located by OCC. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF OCC ADDED ALLEGATION #5: The officer handcuffed a person without justification.

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

FINDINGS OF FACT: The complainant stated he observed the officer handcuff and detain a man outside his place of employment. The co-complainant also observed the officer handcuff and detain the man. The officer stated the man fit the description of a suspect he and his partner were looking for regarding a serious crime. The suspect who was handcuffed and detained could not be located by OCC. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #6-7: The officers failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The named officers admitted to handcuffing and detaining a man and the co-complainant. The named officers admitted to not issuing a certificate of release to the detained individuals for their detentions. Department General Order 5.03 clearly states if you physically restrain a person, issue a Certificate of Release. 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: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The officer stated he was dispatched to a call of a possible gun. The CAD documents that a citizen called to report males drinking alcohol and a possible gun. Per DGO 5.03 the officers had the authority to conduct an investigative detention based on reasonable suspicion.

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

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

FINDINGS OF FACT: The officer stated he was dispatched to a call of a possible gun. The CAD documents that a citizen called to report males drinking alcohol and a possible gun. The officer had the authority to conduct a cursory search for weapons given the type of call.

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SUMMARY OF ALLEGATION #3: The officer used force against the complainant at the scene.

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

FINDINGS OF FACT: The complainant stated the officer gave him a “wedgie,” and, when he attempted to adjust his pants, the officer slammed him to the ground. The officer said he told the complainant to put his hands behind his head, but the complainant did not comply, so he took him to the ground. The officer said the complainant resisted violently and other officers assisted in handcuffing him. One witness corroborated that the complainant was fixing his pants when officers took him to the ground. The witness said he did not recall what the complainant was saying but said that the complainant was arguing during the struggle and was slammed back to the ground. The complainant admitted to resisting and not obeying commands. The other witnesses did not respond for an interview. Per DGO 5.01 officers are permitted to use force to take physical control and custody and when someone is resisting.

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

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

FINDINGS OF FACT: The officer admitted he failed to return the complainant’s driver’s license and said he put it in the mail when he realized that he had the driver’s license. The officer’s failure to act was a neglect of duty that violated DGO 2.01. The officer also failed to process the driver’s license per DGO 6.15.

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

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

FINDINGS OF FACT: The complainant stated that the officer made a threatening statement to a friend of his. The complainant's friend denied that the named officer threatened him. The evidence established that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #2: The officer seized property without justification.

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

FINDINGS OF FACT: The complainant stated that he was arrested for possession of a firearm. The complainant stated that officers seized a rain jacket from the trunk of his car without justification because they claimed it resembled jackets worn by police officers. The named officer, who was the senior sergeant supervising the complainant's arrest, stated that the complainant was in possession of a jacket with the words "Special Agent" on the back that was similar to the jackets worn by police officers, and that this jacket and several other police-related items in the complainant's possession were seized in connection with the criminal investigation and for a potential administrative investigation. The named officer stated that as far as he knows, at the time the rain jacket was seized, no administrative investigation had been initiated. Although seizure of the jacket was properly documented, there is insufficient evidence to establish whether or not the circumstances justified the seizure.

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SUMMARY OF ALLEGATION # 3: The officer seized property without justification.

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

FINDINGS OF FACT: The complainant stated that an officer seized items from his car without justification. The officers identified in Department documents as arresting the complainant and booking his property said they did not seize the items identified by the complainant and were unaware of any other officers seizing these items. The description of the officer provided by the complainant did not match that of any of the officers known to have searched the complainant's car. Attempts by the OCC to identify the officer described by the complainant were unsuccessful. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to properly document and process property.

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

FINDINGS OF FACT: The complainant stated that he was arrested and booked at the police station. When the complainant was released from jail, he discovered that his wallet was not among the personal property and was not listed among the items seized from him as evidence. The OCC determined that the complainant's wallet was inside a fanny pack which had been seized and booked as evidence, but that the wallet was not listed as an item booked into evidence. Department records identify the named officer as the officer who received the fanny pack from the complainant, booked it into evidence and documented it and other items seized from the complainant. The named officer stated that he did not have a specific recollection of handling the fanny pack. The evidence established that the named officer failed to properly document and process the complainant's property.

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

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

FINDINGS OF FACT: The complainant stated that an officer seized items from his car and failed to document their seizure. The description of the officer provided by the complainant did not match that of any of the officers known to have searched the complainant's car. The officers identified in Department documents as arresting the complainant and booking his property said they did not seize the items identified by the complainant and were unaware of any other officers seizing these items. Department records do not reflect the seizure of the items identified by the complainant. Attempts by the OCC to identify the officer described by the complainant were unsuccessful. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers detained him without justification as he was driving. The named officers, who were working in plainclothes in an unmarked vehicle, stated that they saw the complainant repeatedly cruising around and stopping in a high crime area, and that they contacted him when his car, which had no license plates, was stopped in a bus zone. There were no civilian witnesses and the two and a half year gap between this incident and the filing of the complaint effected the ability of the involved officers to accurately recall the incident. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed and searched him without cause. The named officer stated that he and his partner saw the complainant repeatedly cruising around and stopping in a high crime area, and that they contacted him when his car, which had no license plates, was stopped in a bus zone. The named officer stated that when he approached the complainant's car, he saw a holster, a bulletproof vest and some knives inside the vehicle, and that he had the complainant exit the car and pat-searched him for officer safety reasons. The named officer said he did not think he handcuffed the complainant. The named officer's partner confirmed seeing a holster, a bulletproof vest and some knives inside the complainant's vehicle and that he did not remember whether the complainant was handcuffed. A witness officer stated that he saw the complainant in handcuffs when he arrived on the scene, and that the named officer told him he saw either a firearm magazine or shell casings inside the complainant's car. Two other witness officers stated that they did not recall whether the complainant was handcuffed. The complainant denied having items associated with a firearm in the passenger compartment of his car. There were no civilian witnesses, and the two and a half year gap between this incident and the filing of the complaint effected the ability of the involved officers to accurately recall the incident. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 4- 5: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched his car without cause. The named officer stated that he and his partner saw the complainant repeatedly cruising around and stopping in a high crime area, and that they contacted him when his car, which had no license plates, was stopped in a bus zone. The named officers stated that when they approached the complainant's car, they saw a holster, a bulletproof vest and some knives inside the vehicle, and that they searched the complainant's car for a firearm and to locate the vehicle's license plates. A witness officer stated that that the named officer told him they searched the car because they saw either a firearm magazine or shell casings inside the complainant's car. Two other witness officers stated that they did not recall whether the complainant's car was searched. The complainant denied having items associated with a firearm in the passenger compartment of his car. There were no civilian witnesses, and the two and a half year gap between this incident and the filing of the complaint effected the ability of the involved officers to accurately recall the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer made an inappropriate statement.

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

FINDINGS OF FACT: The complainant stated that the officer made an inappropriate statement to a witness officer who is also a friend of the complainant about whether the complainant would file a complaint about the incident. The witness officer denied that the named officer made the inappropriate statement. The named officer stated that he did not think he said anything about the complainant filing a complaint. The named officer's partner stated that he did not recall the named officer saying anything about this. There were no other witnesses. A preponderance of the evidence proved that the named officer did not make the inappropriate statement.

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SUMMARY OF ALLEGATION #7: The officer made an inappropriate statement.

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

FINDINGS OF FACT: The complainant stated he stopped in a bus zone when the officers pulled him over for a traffic stop. When the officers completed their investigation, the named officer told the complainant to get out of there before he cited him for being stopped in a bus zone. The named officer denied making the statement. The named officer's partner denied hearing such a statement. A witness officer stated that he did not recall any officer threatening to cite the complainant for being stopped in a bus zone. Two other witness officers stated that they recalled little or nothing about this incident. There were no civilian witnesses, and the two and a half year gap between this incident and the filing of the complaint effected the ability of the involved officers to accurately recall the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the named officer damaged personal property inside the trunk of his vehicle and also damaged the door of his vehicle by banging it against another car. The named officer and his partner denied the allegation. A witness officer who was a friend of the complainant's stated that the complainant told him that the officer broke something inside his car, but he did not recall seeing any damage to the complainant's car or to the complainant's property. Two other witness officers stated that they recalled little or nothing about this incident. There were no civilian witnesses, and the two and a half year gap between this incident and the filing of the complaint effected the ability of the involved officers to accurately recall the incident. There is insufficient evidence to prove or disprove the allegation.

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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 evidence established that the officer handcuffed the complainant but failed to issue him a Certificate of Release as required by Department regulations.

SUMMARY OF ALLEGATION #2- 3: The officers failed to comply with Department rules concerning traffic enforcement.

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

FINDINGS OF FACT: The complainant stated that the officers, who were in plainclothes in an unmarked vehicle, conducted a traffic stop on his vehicle. The named officers denied conducting a traffic stop and stated that they contacted the complainant when he was stopped in his car in a bus zone. There were no civilian witnesses, and the two and a half year gap between this incident and the filing of the complaint effected the ability of the involved officers to accurately recall the incident. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers, who were in plainclothes in an unmarked vehicle, conducted a traffic stop on his vehicle, detained and handcuffed him and searched his vehicle. The named officer and his partner denied conducting a traffic stop and stated that they contacted the complainant when he was stopped in his car in a bus zone in a car without license plates. The named officer and his partner admitted searching the complainant's vehicle. The E585 entry the named officer made concerning this contact indicated that the reason for the stop was a moving violation and that no search had taken place. The named officer stated that he inadvertently pressed the incorrect key when making these entries, and that he did not intentionally enter inaccurate information concerning this contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said she was in her residence with her juvenile son when an African American plainclothes officer knocked at her door and asked her son to step outside. The complainant said a Caucasian plainclothes officer escorted her son outside the residence. The complainant's son verified the allegation and added that the officers had explained that San Francisco paramedics reported seeing a man dragging a woman against her will into the woods in the area near their residence. The complainant's son also stated that a third officer in uniform placed him in handcuffs after he stepped outside. The African American officer in plainclothes stated that he heard screams in the vicinity of the complainant's residence, but could not determine the location of the screams. The plainclothes officers did not know which one of them asked the complainant's son to step outside, but believed it to be a reasonable request given the nature of the call and the complainant's son matching the general description of the suspect. Although the complainant's son was a juvenile, he appeared to be an adult who generally fit the description of the suspect. Officers were unable to obtain further information about the suspect because the paramedic reportees were handling a medical call and could not return to the area. There were conflicting statements about the clothing worn by the complainant's son at the time. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said a Caucasian officer in plainclothes handcuffed her son without justification. The complainant's son stated that a uniformed officer handcuffed him. The uniformed officer admitted handcuffing the complainant's son because he fit the general description of the suspect and the serious nature of the call. Officers were unable to obtain further information from the paramedic reportees about the suspect or the victim as they were handling a medical call in another location, and could not return to the area. No suspect was located and there were conflicting statements regarding the clothing worn by the complainant's son. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she gave officers consent to enter and search her residence for a possible kidnap victim because she wanted to cooperate, but she believed that officers needed a search warrant to lawfully enter her home. The officers stated they entered and searched the premise after the complainant gave them verbal consent. The officers' actions were justified, lawful and proper.

SUMMARY OF ALLEGATION #7: The officer failed to comply with juvenile procedures.

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

FINDINGS OF FACT: The complainant stated that an officer questioned her juvenile son about a possible argument with her without being provided a Miranda admonishment or any information of a police report documenting his detention. The complainant's son stated that while handcuffed, a Caucasian plainclothes officer asked him if he had been arguing with his mother, and if he had heard or seen anything. There were conflicting statements about whether the complainant informed the officers that her son was a juvenile, and officers stated that no report was warranted for this response. Under Department General Order 7.01 I.G. police officers are allowed to deviate from juvenile procedures when exigent circumstances such as threats to life or safety exist. Although the complainant's son was in custody during a brief period of time, the nature of the questions asked were germane to the reported exigency of a female being dragged into the woods against her will. The officer's actions were lawful and proper under the circumstances.

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

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

FINDINGS OF FACT: During the incident when several officers arrived at and searched the complainant's home and handcuffed her seventeen-year old son, the officer commented to the complainant that he knew her and that she used to have blond hair. Given the serious nature of the police action in conjunction with the complainant's medical condition that had resulted in the loss of her hair, the complainant felt that the officer's comments were inappropriate. The officer acknowledged telling the complainant that he knew her from a prior contact when she had blond hair as a way to establish rapport. The evidence demonstrates that the action complained of was the result of inadequate training and that retraining concerning effective communication strategies consistent with community policy law enforcement goals is recommended.

SUMMARY OF ALLEGATIONS #9-10: The officers failed to follow proper procedures as detailed in Department General Order 5.08.

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

FINDINGS OF FACT: The complainant alleged that the two plainclothes officers who responded to her residence were not displaying their stars during this response. The officers denied the allegation, and stated that they were properly displaying their stars outside their clothing throughout this response. Three witnesses on scene could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #11-12: The officers failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated that her son did not receive any documentation from the officers after he had been handcuffed and released. The complainant's son was physically restrained but neither the recruit trainee nor his Field Training Officer issued the complainant's son a Certificate of Release in violation of Department General Order 5.03. 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 negligent.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that an individual in civilian clothes verbally accosted him as he walked to his car, which was blocking the driveway of a building the complainant later learned was a police facility. This individual, who identified himself as a police officer, used profanity to and threatened the complainant. Several other men in civilian clothes, whom the complainant later learned were police officers, approached and one of them struck the complainant in the face. The complainant acknowledged that his body language could have caused the named officer to over-react to the situation. The named officer denied using the force described by the complainant and stated that he pushed the complainant in the chest as the complainant advanced towards him in a threatening manner. Two witness officers confirmed the account of the named officer. No other witnesses to this part of the incident were identified. The named officer also stated that the complainant's wife told him the complainant had been stressed recently due to her pregnancy, however, the complainant's wife stated that she was not pregnant and denied making this statement to the named officer. Although there were inconsistencies among the officers involved in this incident concerning some elements of the incident, there is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer detained and handcuffed him without justification. The named officer stated that he saw the complainant yelling at another plainclothes officer in the street. When the named officer approached, the complainant turned and advanced to within several inches of him. After the named officer pushed the complainant away, the complainant began to step forward and the named officer detained and handcuffed him for officer safety reasons. Two witness officers confirmed the account of the named officer. No other witnesses to this part of the incident were identified. Although there were inconsistencies among the officers involved in this incident concerning some elements of the incident, there is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer who detained and handcuffed him threatened him, used inappropriate language and challenged him to fight. The complainant's wife, who arrived on the scene after he had been handcuffed, confirmed that the named officer made one of the inappropriate statements and confirmed hearing the named officer challenge the complainant to fight. The complainant's nine-year old daughter also confirmed hearing the named officer say something concerning a challenge to fight. During a follow-up interview conducted several months after his initial interview, the complainant stated that he had issued the challenge to fight. The named officer denied making the statements attributed to him and denied challenging the complainant to fight and said it was the complainant who issued the challenge to fight. Other officers who were present stated that they did not recall hearing the named officer make the inappropriate statements attributed to him or challenge the complainant to fight. The named officer stated that the complainant's wife told him the complainant had been stressed recently due to her pregnancy, however, the complainant's wife stated that she was not pregnant and denied making this statement to the named officer. No other witnesses to this part of the incident were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity. The complainant's wife confirmed hearing the named officer use profanity. The complainant's nine-year old daughter stated that she did not recall hearing the named officer use profanity. The named officer denied using profanity and said the complainant was using profanity. The named officer stated that the complainant's wife told him the complainant had been stressed recently due to her pregnancy, however, the complainant's wife stated that she was not pregnant and denied making this statement to the named officer. Other officers who were present stated that they did not hear the named officer use profanity. No other witnesses to this part of the incident were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer, who was in civilian clothes, verbally accosted him as he walked to his car, which was blocking the driveway of a building the complainant later learned was a police facility. The complainant stated that the named officer yelled at him in an intimidating and insulting manner, accused him of walking too slowly, used profanity and threatened the complainant. The complainant stated that after another officer handcuffed and detained him, the named officer continued to make similar inappropriate, insulting and profane statements to him. The complainant's wife, who arrived on the scene after he had been handcuffed, confirmed that the named officer used profanity and claimed that the complainant had been walking too slowly to move his car. The complainant's nine-year old daughter also confirmed hearing the named officer use profanity and say that the complainant had been walking too slowly. The named officer denied making any of the statements attributed to him and denied using profanity. The officer who detained and handcuffed the complainant stated that he did not hear the named officer make the statements attributed to him or use profanity. This officer also stated that the complainant's wife told him the complainant had been stressed recently due to her pregnancy, however, the complainant's wife stated that she was not pregnant and denied making this statement to the named officer. One witness officer stated that he was not close enough to hear the conversation between the complainant and the named officer. A supervisor who was summoned to the scene stated that he never heard the named officer say anything to the complainant. The supervisor's account of his conversation with the officer who detained the complainant is contradicted by that officer. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer used profanity to him. The complainant's wife, who arrived on the scene after he had been handcuffed, confirmed that the named officer used profanity and claimed that the complainant had been walking too slowly to move his car. The complainant's nine-year old daughter also confirmed hearing the named officer use profanity. The named officer denied using profanity. The officer who detained and handcuffed the complainant stated that he did not hear the named officer use profanity. This officer also stated that the complainant's wife told him the complainant had been stressed recently due to her pregnancy, however, the complainant's wife stated that she was not pregnant and denied making this statement to the named officer. One witness officer stated that he was not close enough to hear the conversation between the complainant and the named officer. A supervisor who was summoned to the scene stated that he never heard the named officer use profanity. The supervisor's account of his conversation with the officer who detained the complainant is contradicted by that officer. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The account of the incident provided by the complainant differed markedly from what the named officer wrote in his incident report. The named officer and his supervisor, who was summoned to the scene, gave somewhat contradictory descriptions of the conversation they had about how the matter would be disposed of. Witness officers, including another officer accused of misconduct by the complainant, either confirmed the account of the incident as recounted in the report, stated that they were not present when parts of the incident transpired or could not hear what was being said by the complainant and the officers who contacted him. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was not present during the incident, but believed that the officers had no right to arrest his brother. The recorded statement from the complainant's brother given to the police immediately after the event, as well as the statements from the complainant's sister and from another brother of the complainant, both of whom witnessed the incident, showed that the officers had probable cause for the arrest. The available evidence proved that the acts, which provided the basis for the allegation occurred. However, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers used excessive force during the arrest of the complainant's brother.

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

FINDINGS OF FACT: The complainant was not present during the incident, but believed that the officers used excessive force during the arrest of his brother. The recorded statement from the complainant's brother given to the police immediately after the event, as well as the Office of Citizen Complaints statements from the complainant's sister and from another brother of the complainant, both of whom were present at the scene, showed that the officers used proper force to overcome physical resistance during the arrest. The available 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 used profanity at the scene.

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

FINDINGS OF FACT: The complainant stated that one of the officers involved in this incident used profanity at the scene. The officers from the primary units involved in this incident denied using and/or hearing any profanity at the scene. The statements from two witnesses to the occurrence were insufficient to identify the member who engaged in this alleged misconduct and either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the named member made a disparaging comment towards the people from his neighborhood. The named member denied making the alleged comment. His partner, in essence, supported this statement. There were no other identifiable witnesses to the complainant's contact with the officer. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he took his cell phone out of his pocket while detained and that unknown officers failed to process his phone for safekeeping. The officers who arrested and transported the complainant, as well as several witness officers at the scene, denied ever seizing the complainant's cell phone. The station keeper who booked the complainant received some of his property, but denied seeing a cell phone. One witness at the scene did not recall seeing property of the complainant. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal when the officers stopped him. One of the officers stated he saw the complainant engage in suspicious criminal activity, in a high crime area of the city, while the complainant was inside his vehicle. The officers, who were in an unmarked police vehicle, subsequently followed the complainant. The complainant said he voluntarily pulled his vehicle over to the side of the road because he knew the officers were going to stop him. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal on each occasion he was stopped by the officers. One of the officers said the complainant submitted to a consensual interview while another officer did not remember the incident. Officers denied placing handcuffs on the complainant. Other officers who were present did not recall whether the complainant was handcuffed. Furthermore, the complainant could not identify the handcuffing officer on each occasion. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-8: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal on each occasion he was stopped by the officers. Therefore, the officers did not have any reason to search his vehicle. On one of the occasions, the officer said the complainant gave him permission to search his vehicle. On another occasion, the officer could not remember anything about the incident. The complainant denied giving permission to search his vehicle on any occasion. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-10: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal on each occasion the officers stopped and searched him. Therefore, the officers did not have any reason to search him. On one of the occasions, the officer said the complainant gave the officer permission to search him. On another occasion, the officer could not remember anything about the incident. The complainant denied giving the officers permission to search him. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: After voluntarily pulling his vehicle over to the side of the road and submitting to a stop by the officer, the complainant said he advised the officer he (the complainant) had a small quantity of marijuana on his person. He claimed the marijuana was approved for medicinal use. The complainant said he voluntarily produced the marijuana and gave it to the officer. He said he also showed an authorization card to the officer. The card allegedly authorized the complainant to use marijuana for medicinal purposes. The complainant said the officer confiscated the marijuana, but did not give the complainant any receipt for the seizure. Various officers were interviewed. Each one denied that the complainant informed them about any marijuana; they did not seize any marijuana; and they did not see any other officer seize any marijuana. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #12-14: The officers failed to issue an 849(b) Certificate of Release.

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal on each occasion he was stopped by the officers and detained for several minutes. He alleged that he was handcuffed and later allowed to leave the scene after officers did not find any contraband on his person or in his vehicle. The complainant said the officers did not provide him with any paperwork after the officers removed the handcuffs. Officers denied handcuffing the complainant or seeing the complainant in handcuffs. Another officer could not remember anything about the incident. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #15-17: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal on each occasion he was stopped by the officers. Therefore, the officers did not have any reason to search his vehicle. The complainant said the officers damaged the cabin of his vehicle after they searched it. With regard to one of the occasions, the officer said the complainant gave him permission to search the complainant's vehicle. However, the officer denied damaging anything inside the vehicle. On another occasion, the officer could not remember anything about the incident. The complainant denied giving permission to search his vehicle on any occasion. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #18-19: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal when he was stopped and searched by the officers. Therefore, the officers did not have any reason to search him. The complainant said the officer pulled the complainant's pants down to the ground. The complainant said this caused the complainant considerable embarrassment, since there were several on-lookers near the scene of this incident. The officer said the complainant gave the officer permission to search him, but the officer denied pulling the complainant's pants down to the ground. The complainant denied giving the officers permission to search him. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #20: The officer failed to identify himself.

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

FINDINGS OF FACT: The complainant said the plain-clothes officer failed to identify himself when the officer approached and detained the complainant, after the complainant had stopped the vehicle he (the complainant) was driving. The complainant said a friend had just exited the complainant's vehicle when the officer stopped the complainant. The officer could not remember anything about the incident. Consequently, the officer could not deny or confirm this incident. The officer said he prominently displays his badge on a chain around the officer's neck when he is working in plain clothes, and he verbally identifies himself as a police officer whenever he stops or detains someone. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #21: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant said the plain-clothes officer injured the complainant's arm while the officer handcuffed the complainant. The complainant said he had previously injured this same arm in a separate accident. One officer, who records determined that the officer was at the scene, could not remember anything about the incident. Furthermore, the complainant said this officer was not the officer who injured his arm. The officer's partner did not match the description provided by the complainant as the officer who injured the complainant's arm. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal on each occasion when police stopped him. On one occasion, the officers saw the complainant engage in suspicious criminal activity, in a high crime area of the city, while the complainant was inside his vehicle. The officers, who were in an unmarked police vehicle, subsequently followed the complainant. The complainant said he voluntarily pulled his vehicle over to the side of the road because he knew the officers were going to stop him. In a separate incident, another officer could not remember anything about the incident. Records do not indicate that either incident was a traffic stop that would require an entry be recorded in a specific database. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal on each occasion when police stopped him. One of the officers saw the complainant engage in suspicious criminal activity in a high crime area of the city while the complainant was inside his vehicle. The officers, who were in an unmarked police vehicle, subsequently followed the complainant. The complainant said he voluntarily pulled his vehicle over to the side of the road because he knew the officers were going to stop him. The officer said he smelled marijuana coming from the complainant's vehicle as the complainant exited the vehicle. The officer then detained and searched the complainant. The officer also searched the complainant's vehicle, but did not find any marijuana or contraband. In a separate incident, another officer could not remember anything about the incident. He denied arresting the complainant or seizing any contraband. The complainant was allowed to leave the scene on each occasion. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer displayed inappropriate behavior and made threatening comments.

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

FINDINGS OF FACT: The complainant said she provided the officer with only the information about a suspect, which her employer allowed her to provide. The complainant said the officer wanted additional personal information on the suspect, which she could not provide and which she said was prohibited by company policy. The complainant then said the officer became belligerent and threatened to arrest her if she did not comply with his request. The officer said he wanted to see a record, which the complainant's employer was required by law to maintain. The officer said this record, if shown to the officer, was likely to contain the information the officer wanted. The officer said the complainant refused to allow him to view this record, and the complainant was adamant despite the officer informing the complainant about the law. The officer said he did not view his behavior as disrespectful, but he conveyed that the complainant could be cited or arrested for violating the law. San Francisco Municipal Code, section 919, requires hotel management to keep a book or register cards open to inspection. Violation of this section of the code is an infraction subject to a monetary fine between \$50 and \$500. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer misused the computer/CAD/CLETS system.

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

FINDINGS OF FACT: The complainant said the officer became belligerent and threatened to arrest her when she did not provide additional information the officer was requesting on a suspect. The officer said he wanted to see a record, which the complainant's employer was required by law to maintain. The officer said this record, if shown to the officer, was likely to contain the information the officer wanted. The officer said the complainant refused to allow him to view this record, and the complainant was adamant despite the officer informing the complainant about repercussions of violating the law. The officer requested a records check on the complainant's name in order to obtain information the Assistant District Attorney would need if the officer were to apply for the complainant's arrest warrant. The officer said he later changed his mind and decided against pursuing an arrest warrant on the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. There were no available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officers known to be involved in this complaint were interviewed and have denied the allegation. There were no available witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #4: The officer placed tight handcuffs on complainant.

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

FINDINGS OF FACT: The officer denied the allegation. There were no available witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #5-6: The officers used excessive force at the station.

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

FINDINGS OF FACT: The officers denied the allegation. There is insufficient evidence to establish the level of force necessary to subdue the complainant.

SUMMARY OF ALLEGATION #7: The officer exhibited inappropriate behavior and comments.

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

FINDINGS OF FACT: The officer denied the allegation. There were no available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The incident report has the wrong date on the first page. The officer stated that he inadvertently typed the wrong dates on the report which he says are clerical errors. While the evidence does establish that a clerical error was made, there is insufficient evidence that the clerical error constituted sustainable misconduct.

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 on the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer punched him in the face while he was in the back seat of a patrol car. The named officer stated that the complainant, who was intoxicated, had been arrested for assault and was in the back seat of his patrol car. As he and his partner began driving away from the scene, he realized the complainant's seatbelt was not fastened. The complainant, who had been yelling profanities and moving around in the back seat, moved across the rear seat to the driver's side of the vehicle. The named officer opened the right rear door and reached in and attempted to pull the complainant to the right side of the rear seat so he could secure his seatbelt. As he did, the complainant's face struck the flashlight he was holding causing a cut in the area of the complainant's eye. The named officer's partner, who was driving the patrol car, confirmed that the complainant was moving around in the back seat and that the named officer exited the car and attempted to fasten the complainant's seatbelt. The named officer's partner stated that he was not watching what transpired in the back seat and therefore did not see the complainant sustain his injury. A supervisor who was summoned and responded to the hospital where the complainant was transported for treatment stated that he had participated in the arrest of the complainant, who was extremely intoxicated. The Sergeant stated that when he contacted the complainant at the hospital, the complainant initially claimed that the named officer punched him in the face. After speaking with the named officer, the Sergeant told the complainant that the named officer claimed he accidentally hit the complainant in the face with his flashlight, and the complainant agreed that it had been an accident. An expert who reviewed the complainant's medical records and photographs of his injuries stated that they were consistent with blunt trauma but were not necessarily consistent with being struck with a fist. Statement the complainant made about his actions prior to his arrest and the actions of other officers at the time of his arrest were contradicted by other evidence. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer gave false statements to his supervisor and to medical personnel about how the complainant sustained his injuries. The named officer denied the allegation. There was insufficient evidence to prove or disprove whether the named officer used the force described by the complainant, and therefore there is insufficient evidence to prove or disprove whether the named officer's description of how the complainant sustained his injury was accurate. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer gave false statements to his supervisor and to medical personnel about how the complainant sustained his injuries and that the named officer made inappropriate statements to him. The named officer denied the allegation. The named officer's partner denied that the named officer made the inappropriate statements. No witnesses were identified. There was insufficient evidence to prove or disprove whether the complainant sustained his injury in the manner he claimed or in the manner claimed by the named officer's partner. Therefore there is insufficient evidence to prove or disprove whether the named officer's description of how the complainant sustained his injury was accurate. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers exited their vehicles and began accusing him of being under the influence of drugs and one officer pushed him against a wall. The officers denied the allegation. The witness stated the complainant was put against the wall. The witness's statement and the complainant's are inconsistent as to the force used on the complainant. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-5: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant said he was accused him of smoking drugs and investigated instead of receiving assistance for being an assault victim. The officers denied the allegation. The witness, the complainant's wife, corroborated the complainant's statement. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-8: The officers failed to provide the complainant medical treatment based on race/racial bias.

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

FINDINGS OF FACT: The complainant stated he called the police because he was the victim of an assault and needed help. The complainant alleged the officers treated him like a criminal upon their arrival instead of asking him if he was okay or in need of medical treatment. The complainant believed he was treated in this manner due to his race. The officers denied the allegation. The witness, the complainant's wife, also believed that the complainant's race was a factor in how he was treated. The complainant said he was offered medical treatment after he showed the officers his allergy medicine but he declined medical assistance as he wanted the officers to pursue the suspects and take his report. There is insufficient evidence to determine that the complainant was not provided/offered medical treatment initially based on racial bias.

SUMMARY OF ALLEGATION #9: The officer made comments made to belittle and defame the complainant.

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

FINDINGS OF FACT: The complainant said the officer made a derisive racial remark and kept repeating the remark and laughed at the complainant. The officer denied the allegation. The other officers denied hearing anyone make a racial remark as they were standing within 5 to 10 feet from each other. A witness, the complainant's wife, corroborated the complainant's statement. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-6: The officers failed to follow proper procedures as detailed in DGO 5.08.

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

FINDINGS OF FACT: The complainant said no officer displayed his star or other police identification throughout his detention. Some officers stated every team member was either displaying their stars or wearing a police raid jacket. Other officers could only recall that they displayed their own stars, but could not recall about other officers. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant said his detention was unjustified because an officer told him there was a search warrant against his person and residence, but no one showed it to him. The officer stated that as the case agent, he directed the detention of the complainant and informed him of the search warrant against his person and residence. The evidence showed the detention of the complainant was pursuant to a signed search warrant naming the complainant. The officer's actions were lawful and proper.

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SUMMARY OF ALLEGATIONS #8: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The evidence established that the complainant was handcuffed during the service of a search warrant, which listed him and his residence. It is SFPD policy and standard operating procedure to handcuff all detained parties during the service of arrest and search warrants. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #9: The officer searched a person without cause.

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

FINDINGS OF FACT: The evidence established that the complainant was searched during the service of a search warrant, which listed him and his residence. It is SFPD policy and standard operating procedure to search the parties named in a search warrant. The officer's actions were lawful and proper.

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SUMMARY OF ALLEGATIONS #10-13: The officers searched a residence without cause.

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

FINDINGS OF FACT: The evidence established that the officers searched the complainant's residence pursuant to an authorized search warrant for his person and his residence. The officers' actions were lawful and proper.

SUMMARY OF ALLEGATIONS #14: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant said an officer called him a sissy, and made other disparaging remarks during his detention. The officer stated that he had conversations with the complainant outside and inside his residence, but denied making the alleged remarks. All other officers present also denied the allegation. There were no independent witnesses at either of the two locations to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #15: The officer seized personal property without justification.

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

FINDINGS OF FACT: The complainant stated that an officer took his keys after he was released. All officers involved with the complainant's detention during the search denied taking the keys, but most of them stated that the officer named was the only officer who was seen with the keys to the complainant's apartment. There was no other witness on scene. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer detained the complainant for a prolonged period of time without justification.

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

FINDINGS OF FACT: The complainant stated he was detained three and a half hours during this incident. The officer and other witnesses on scene stated the complainant was detained only for an hour during the search of his residence. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #17: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant said officers caught him in possession of a bag of methamphetamine and found another inside his residence, which prompted the officer to solicit information about his source. The complainant said he tacitly agreed to call the officer with information, but never did. The complainant said the officer kept on calling him and leaving messages for nearly three weeks. The officer stated he discussed options with the complainant, who told him he did not want to go to jail due to his illnesses and age. The officer also directed the complainant to contact him in a few days to follow up. When the complainant failed to follow through, the officer stated that he had to reinitiate contact with a few calls and messages. The officer said that shortly after a vacation, he was reassigned to another unit where he had no time to follow up on the complainant. None of the other officers involved during this search warrant service were privy to the calls or messages left by the officer, and the complainant said he deleted all messages left by the officer. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #18: The officer failed to provide a copy of the search warrant.

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

FINDINGS OF FACT: The complainant said he was never shown or provided a copy of the search warrant to search him or his residence. The officer, who was the case agent, said he showed a copy of the search warrant to the complainant when he was initially detained outside the building and left him a copy in his apartment. One dependent witness stated the officer left the complainant a copy of the search warrant in his apartment, and two other dependent witnesses could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #19-20: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officer told him to stop lying or he would arrest him and he would make sure that he would lose his housing. The complainant also alleged that other officers searching his apartment told him to disclose where the cash and weapons were or they would tear his place apart. All officers inside the complainant's apartment during the search denied the allegation. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/24/09 **DATE OF COMPLETION:** 03/06/10 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated she was at SFO asking questions about why her documents were unlawfully being seized from her luggage when she was detained. The officer stated he and his partner received a call about the complainant not wanting to leave the entrance to the San Francisco Administration Offices. The officer stated that when he made contact with the complainant, the complainant made numerous statements that did not make sense. Worried about the complainant's health and welfare, the officer detained the complainant per 5150 W&I Detention. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer violated the complainant's privacy.

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

FINDINGS OF FACT: The complainant stated she was repeatedly asked about her medication. The named officer stated he asked the complainant about her medication because she was talking about being poisoned, people cutting her brake lines, and among other things. The officer stated he needed the information for the paramedics and health care professionals. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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DATE OF COMPLAINT: 06/24/09 **DATE OF COMPLETION:** 03/06/10 **PAGE# 2 of 2**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/26/09 **DATE OF COMPLETION:** 03/24/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested and cited him for no reason. The named members stated that the complainant was arrested and cited for a battery on another person, who signed a citizen's arrest form and for delaying and resisting police investigation. A preponderance of evidence supports the proposed finding.

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

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

FINDINGS OF FACT: The complainant stated that an officer grabbed his arm and pushed the complainant against the truck with a force that was clearly unnecessary because the complainant was not resisting. The complainant could not provide sufficient descriptive information regarding the officer, who engaged in the alleged misconduct. Four officers involved in the complainant's arrest stated that the complainant was verbally and physically resisting and only their joint efforts led to his handcuffing. Each officer denied using excessive force against the complainant. The statements from four civilian witnesses were inconclusive and contradictory. The available evidence was insufficient to name any particular member and to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complaint stated that the officers did not take all necessary investigative steps at the scene of the incident. The named members stated that the complainant's uncooperative and aggressive behavior prevented them from taking timely investigative steps. The statements from two officers in a back-up unit and from four civilian witnesses were regarding the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named member wrote an inaccurate report regarding his arrest. The named member stated that her report accurately described the events of this incident. The statements from three other officers and four civilians, who were present at the scene of the incident, were inconclusive and contradictory concerning the accuracy of the report. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1: The officer used unnecessary force during this arrest.

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

FINDINGS OF FACT: The complainant stated that the named officer tackled him from behind, causing him to fall to the ground and injure his face, for no reason. The witness officer stated that the complainant “took a fighting stance,” and “balled up his fists” before the officers took hold of his arms and all three fell to the ground, causing minor injury to the complainant. The named officer stated that he saw the complainant starting an altercation with his partner so he took him to the ground to avert a fight, with the complainant, his partner and himself ending up on the ground, causing the complainant to hit his face on the ground. No witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant denied doing what he was cited for. The witness officer and the named officer both describe probable cause for the citation that was issued. However, no witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant stated that he voiced dissatisfaction with the officers to the named officer, but the named officer did not take a complaint. The named officer stated that the complainant did not want to make an OCC complaint at the time he was there, but just wanted to know why the officers did what they did. A witness officer stated that the complainant was belligerent with the named officer and did not want to make a complaint, just wanted a mirror to see his injury. The witness officer said he did not hear the conversation between the complainant and the named officer. There were no other witnesses, according to the parties and the OCC investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/30/09 **DATE OF COMPLETION:** 03/20/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant admitted to jaywalking with two females across a very busy thoroughfare. The officers' stated that after seeing the complainant commit the infraction, one of the officers told the complainant to get back on the sidewalk. The complainant continued to illegally jaywalk. The officer repeated his command for the complainant to walk back across the street. The complainant used profanity against the officer and continued to jaywalk. The officer grabbed the complainant; a physical confrontation ensued; and the complainant was arrested. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant (a juvenile) admitted to jaywalking, with two females, across a very busy thoroughfare, but said the officers attacked him without cause or provocation. The complainant said he pushed one of the females out of the way of being hit by the patrol car. Several witnesses said the complainant was jaywalking, but the complainant appeared bewildered at why the officers confronted him. These witnesses said the complainant did not use any profanity when initially confronted and the officers did not properly handle this minor infraction; and caused the incident to escalate to the point where unnecessary force was used and additional police officers were called to contain an unruly crowd of people who had also witnessed this incident. The officers' stated that after seeing the complainant commit the jaywalking infraction, one of the officers told the three individuals to get back on the sidewalk. The two females immediately complied; however, the complainant glared at the officer; used profanity against the officer after the officer repeated his command to go back; and continued to jaywalk. The officers grabbed the complainant; the complainant resisted; and a physical confrontation ensued. One officer punched the complainant in the face and used a Department-issued chemical spray on the complainant. The complainant was arrested. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5: The officer improperly operated a department vehicle.

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

FINDINGS OF FACT: The complainant said the patrol car crossed the yellow dividing street lines and stopped in the lane of oncoming traffic to detain the complainant. The officers' stated that after seeing the complainant commit the infraction, the officer, who was driving the patrol car in the number one lane of traffic, told the complainant to get back on the sidewalk. The complainant ignored the officer's repeated commands to walk back across the street. The officer stopped the patrol car in the same lane of travel and confronted the complainant. He grabbed the complainant; a physical confrontation ensued; and the complainant was arrested. Witnesses did not complain about the officer improperly operating the patrol car. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The African-American complainant (a juvenile) admitted to jaywalking, with two Caucasian females, across a very busy thoroughfare, but said the officers attacked, cited and arrested him without cause or provocation. Several witnesses said the complainant was jaywalking, but the complainant appeared bewildered at why the officers confronted him. These witnesses said the complainant did not use any profanity when initially confronted; the officers improperly handled this minor infraction; and the officers caused the incident to escalate to the point where unnecessary force was used and additional police officers were called to contain an unruly crowd of people who had also witnessed this incident. The officers denied their actions were based on race and stated that after seeing the complainant commit the jaywalking infraction, one of the officers told the three individuals to get back on the sidewalk. The two females immediately complied; consequently, they were not cited. However, the complainant glared at the officer; used profanity against the officer after the officer repeated his command to go back; and continued to jaywalk. The officers grabbed the complainant; the complainant resisted; and a physical confrontation ensued. One of the officers punched the complainant in the face and used a Department-issued chemical spray on the complainant. The complainant was subsequently arrested. The officers said they cited the complainant for the violation he committed and for assaulting the two officers. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated the officers called them liars, mocked the situation, and made jokes. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainants stated the officer did not contact witnesses or visit the crime scene while investigating their incident. The officer stated he contacted known witnesses and involved parties and took their recorded statements. The officer stated if he needed to visit the crime scene, it would be documented in his notes. The officer's notes included pertinent information for the criminal investigation as well as, witness, suspect and victim, statements. Based on the officer's investigation notes a visit to the crime scene would not have provided additional evidence. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #1: The officers detained the complainant at gunpoint.

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

FINDINGS OF FACT: The complainant alleged officers detained him at gunpoint. The officers could not be identified. There were no Department records of the incident. No witnesses came forward. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant alleged the officers threatened him. The officers could not be identified. There were no Department records of the incident. No witnesses came forward. The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #3: The officers displayed inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged officers displayed inappropriate behavior and made inappropriate remarks. The officers could not be identified. There were no Department records of the incident. No witnesses came forward. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #4: The officers used unnecessary force against the complainant during the detention.

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

FINDINGS OF FACT: The complainant alleged officers used unnecessary force during the detention. The officers could not be identified. There were no Department records of the incident. No witnesses came forward. The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #5: The officers failed to secure complainant's property.

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

FINDINGS OF FACT: The complainant alleged officers failed to secure his personal property left in his vehicle and that his property was subsequently stolen. The officers could not be identified. There were no Department records of the incident. No witnesses came forward. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: A reporting party (RP) called the Department of Emergency Management (DEM), requested police assistance in an active road rage incident the RP was experiencing and subsequently made a citizen's arrest of the suspect/complainant whom he identified. The uniformed officers immediately responded to the location of this "A" priority call and saw the suspect/complainant's automobile stopped at a traffic signal. The complainant alleged the officers arrested him for no apparent reason. The officers said the complainant, after locking the doors to his automobile, refused several commands to exit the vehicle while reportedly yelling profanities at the officers. The doors unlocked and officers eventually removed the complainant from his vehicle; however, the complainant resisted the officers' attempts to detain him. The officers accepted a private persons arrest of the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #4-6: The officers displayed their firearms without justification.

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

FINDINGS OF FACT: See facts in previous allegations. The complainant alleged the officers drew their firearms on him and arrested him for no apparent reason. The officers said the complainant, after locking the doors to his automobile, refused several commands to exit the vehicle while reportedly yelling profanities at the officers. Based on other actions the complainant was demonstrating, the officers believed the complainant was attempting to flee in his vehicle. Other automobiles, which had stopped for the traffic signal, surrounded the complainant's vehicle and prevented the complainant's vehicle from moving. Fearing the complainant would use his vehicle to strike the officers in an attempt to flee, the officers drew their firearms and pointed them at the complainant. The doors unlocked and officers eventually removed the complainant from his vehicle; however, the complainant resisted the officers' attempts to detain him. The officers struggled with the complainant, forced him to the ground and eventually were able to handcuff the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #7-9: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: A reporting party (RP) called the Department of Emergency Management (DEM), requested police assistance in an active road rage incident the RP was experiencing and subsequently made a citizen's arrest of the suspect/complainant whom he identified. The uniformed officers immediately responded to the location of this "A" priority call and saw the suspect/complainant's automobile stopped at a traffic signal. The complainant alleged the officers arrested him for no apparent reason, and injured him in the process. The officers said the complainant, after locking the doors to his automobile, refused several commands to exit the vehicle while reportedly yelling profanities at the officers. The doors unlocked and officers eventually removed the complainant from his vehicle; however, the complainant resisted the officers' attempts to detain him. The officers struggled with the complainant, forcing him to the ground and eventually were able to handcuff the complainant. During this struggle, the complainant sustained an injury to his chin. The suspect/complainant was arrested, cited, and taken to the hospital. The officers released the complainant to the care of medical personnel at the hospital. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant is a limousine driver who stated that he was not in violation of the California Vehicle Code or any of the ordinances that govern his industry when he was cited for six violations. The primary officer stated he observed the complainant commit a Public Utilities Commission violation as well as a California Vehicle Code section. The assisting officer stated the complainant violated a California Vehicle Code section as well as multiple Municipal Police Codes. Both officers signed the citations. There were no witnesses who came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he handed the officer his valid California driver's license and the officer towed his vehicle because he did not have a valid license. The primary officer stated he authorized the tow of the complainant's vehicle based on the totality of evidence gathered from the investigation. The assisting officer stated the complainant's vehicle was towed because the complainant had two licenses from different states in violation of the California Vehicle Code section 12511 as well as Public Utilities Commission policy violations. The evidence gathered from the Department of Motor Vehicle and the California Penal Code supported the officers tow authority. There were no witnesses who came forward. The evidence proved that the act, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated a friend who drove her to San Francisco hit her, knocking her phone out of her hand, and then left, preventing the complainant from accessing her belongings inside his car. The complainant said she called the police and told the officers who responded that her friend hit her as she was holding her phone up to her head, knocking her phone out of her hand. The complainant also stated that she told the officers she “wanted charges” against her friend, but that the officers did not take a written report. Communications records establish that the complainant told the dispatch operator that her friend attempted to assault her but was only able to knock her phone out of her hand, and that all her belongings were in his car. The named officers stated that the complainant, who appeared to have been drinking, told them her friend had abandoned her, that her property was inside his car and that she had no money or food. They said they did not prepare a report because the complainant did not say anything about an assault or an attempted assault. The officers stated that they arranged for the complainant to be transported to a shelter for the night. A civilian witness who was present stated that he did not overhear the conversation the complainant had with the officers. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was walking on the sidewalk when he was detained. The officers stated the complainant was detained because the complainant matched the description of a subject casing cars in the area. The evidence established that the officers had reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #4-6: The officer detained the complainant due to bias, based on race.

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

FINDINGS OF FACT: The complainant said he thought he was the victim of race-based policing because he did not match the description of the alleged suspect. The officers denied the allegations and said that the complainant matched the description of the suspect reported to the police. OCC's investigation established that the officers had reasonable suspicion to detain the complainant. The evidence proved that the act alleged in the complaint did not occur.

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SUMMARY OF ALLEGATIONS #7-8: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was searched after he was detained. The complainant described a pat search. As stated above, the officers had reasonable suspicion to detain the complainant. And based on the nature of the call reported to the police, the officers had the right to search the complainant for weapons. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #9: The officers behaved inappropriately and/or made inappropriate comments.

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

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

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SUMMARY OF ALLEGATIONS #10: The officer was rude toward the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: This complaint raises matters not within OCC's jurisdiction. It was referred for further investigation to:

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

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

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

FINDINGS OF FACT: The complainant stated the booking officer made inappropriate comments toward him at the police station. A witness officer stated he heard a hostile conversation between the station keeper and the complainant. The named officer is retired and is no longer available and subject to Department Discipline.

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

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

FINDINGS OF FACT: The complainant stated an officer used excessive force on him during the detention. All officers that arrived to the scene denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #4-6: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers arrested him without cause. The named officer stated they accepted a citizen's arrest because two citizens stated the complainant assaulted them and threatened them with a knife. The two citizens signed the citizen's arrest form and the officers acted on their request. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated an officer cut his shoelaces during the booking process and forced him to sign an inaccurate property receipt. One of the named officers stated another named officer did cut the complainant's shoelaces due to a knot being in it. The officer was trying to expedite the booking process and the complainant was not being helpful with getting the knot out, therefore the shoelace had to be cut. A named officer stated the complainant was never forced to sign an inaccurate property receipt. The named officer further stated persons who are being booked do not have to sign for their property, they can refuse to sign the property receipt. There are no independent witnesses to these incidents. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #9: The officer failed to process property properly.

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

FINDINGS OF FACT: The complainant stated an officer cut his shoelaces during the booking process and forced him to sign an inaccurate property receipt. Another officer stated the named officer did cut the complainant's shoelaces due to a knot being in it. The officer was trying to expedite the booking process and the complainant was not being helpful with getting the knot out, therefore the shoelace had to be cut. Another officer stated the complainant was never forced to sign an inaccurate property receipt and further stated persons who are being booked do not have to sign for their property, they can refuse to sign the property receipt. There are no independent witnesses to these incidents. The officer is retired and no longer available and subject to Department discipline.

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SUMMARY OF ALLEGATIONS #10-12: The officers failed to mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated he was not read his Miranda rights by the officers for his arrest. The complainant further stated he did not have any conversation with the officers during his arrest and he had to wait until he was at the police station to know what he was arrested for. The named officers stated the complainant was not read his Miranda rights because they were not questioning him for a specific crime. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/22/09 **DATE OF COMPLETION:** 03/20/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments. The officer denied the allegation and denied having contact with the complainant. There are no independent witnesses to this incident. There was insufficient evidence to prove, or disprove the allegation made in the complainant.

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

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

FINDINGS OF FACT: The complainant stated she felt the officer stopped her because of her ethnic background. The officer denied having any contact with the complainant. There are no independent witnesses to this incident. There was insufficient evidence to prove, or disprove the allegation made in the complainant.

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SUMMARY OF ALLEGATIONS #1-3: The officers used unnecessary force.

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

FINDINGS OF FACT: The officers all admitted to the force alleged which they said was necessary and reasonable based on the resistance of the complainant. The complainant admitted to verbally challenging the officers' actions but denied any physical resistance. Witnesses detained and cited with the complainant did not respond to the OCC's requests for an interview. A witness officer corroborated the named members account of the incident stating that the force used was reasonable and necessary. The reportee witness could only corroborate that the complainant was with the suspect at the time the alleged crime was committed. San Francisco General Hospital Medical Report documents injuries to the complainant. There is insufficient evidence to establish the level of force necessary to detain the complainant.

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

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

FINDINGS OF FACT: The complainant denied committing the alleged acts for which she was charged and said she was not personally involved in the underlying crime. On scene officers corroborated the behavior documented in the police report. None of the witnesses responded to the OCC's request for an interview. There is insufficient evidence to reach a dispositive finding.

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DATE OF COMPLAINT: 07/23/09 **DATE OF COMPLETION** 03/25/10 **PAGE** #2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers failed to take required action.

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

FINDINGS OF FACT: The named officer denied the allegation. The investigation was unable to identify the unknown officer. Witness officers did not recall. There is insufficient evidence to reach a dispositive finding.

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

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

FINDINGS OF FACT: The named member denied making the alleged comments. Witness officers denied hearing or did not recall. There were no other available witnesses. There is insufficient evidence to reach a dispositive finding.

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DATE OF COMPLAINT: 07/21/09 **DATE OF COMPLETION:** 03/30/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers said they detained the complainant after witnessing what they believed to be a drug transaction on the street. The complainant denied being involved in a drug transaction. The officers said that during the initial detention the complainant tried to flee. Suspected narcotics were found on the ground near the location of the complainant's arrest. There were no available witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #3 and 4: The officers used unnecessary force.

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

FINDINGS OF FACT: The officers said the complainant attempted to flee during the detention resulting in their need to take physical control of the complainant . The complainant admitted to pulling his arm away from the officer when he attempted to handcuff him. The officer admitted to using the reported force stating that he did so out of necessity due to the complainant's resistant behavior and the possibility that the complainant was hiding narcotics inside of his mouth. The officers said they used only force reasonable and necessary to overcome the complainant's resistant behavior. Jail Medical records document no complaint by the complainant until 4 days after his arrest when he reported that he was suffering from pain to his left shoulder/arm. The medical assessment documents no facial swelling or discoloration. There were no available witnesses. There is insufficient evidence to reach a definitive finding.

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DATE OF COMPLAINT: 08/11/09 **DATE OF COMPLETION:** 03/11/10 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers failed to take a police report.

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

FINDINGS OF FACT: The complainant stated he asked the officers to take a report on a noise complaint and they refused. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/11/09 **DATE OF COMPLETION:** 03/11/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was in Golden Gate Park when an unmarked police car pulled up where he was standing with about 15 friends and acquaintances. Shortly thereafter the complainant stated he was arrested. The officer and his partner denied that the complainant was arrested without cause. The officers stated they both had prior knowledge that the complainant had been previously arrested for a narcotics violation in the same area and had been admonished, per 11532 H&S.

H&S Code section 11532, states in part: "It is unlawful for any person to loiter in any public place in a manner and under circumstances manifesting the purpose and with the intent to commit an offense...."

H&S Code section 11357, states in part: "Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail...."

Based on the totality of the circumstances, the evidence established that the officer had probable cause for the arrest. As such, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said that while the officer was leading him out of the station, the officer said, "If you're seen in the park, we will arrest you." The officer denied threatening the complainant. The officer did, however, admit admonishing the complainant, per 11532 H&S. Such admonishment is consistent with Department protocol. As such, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #1: The officer displayed his weapon without justification.

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

FINDINGS OF FACT: The complainant stated that when she exited her front door, she saw the officer standing out at the gate of her unit, at the sidewalk, with his gun drawn, held down at the side of his leg. The officer stated, in part: "I drew my weapon because I was searching for a wanted suspect who is a validated 'AP' (Alemany Projects) gang member who is known to carry concealed hand guns. I know this subject from many prior contacts." Department General Order 5.02 allows an officer to draw his/her firearm when he/she reasonably believes it necessary for his/her own safety or for the safety of others. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

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

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SUMMARY OF ALLEGATION #3: The officer misused his police authority.

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

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

SUMMARY OF ALLEGATION #4: The officer refused to answer reasonable questions.

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

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

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SUMMARY OF ALLEGATION #5: The officer behaved inappropriately and/or made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that his vehicle was parked in his driveway in front of his house and the officer issued a citation for parking on the sidewalk. The complainant submitted photographs of his vehicle parked in the driveway across the sidewalk. The named officer did not recall or have any knowledge of issuing the citation. However, a copy of the citation listed the officer's star number and signature as the issuing officer. The citation was issued for a violation of CVC 22500(f) parking on the sidewalk. CVC 2500(F) states in relevant part that no vehicle or portion of a vehicle shall be stopped on any portion of the sidewalk. There is no exception for parking in the driveway of your own residence. The evidence showed that the conduct alleged of issuing a citation for parking on the sidewalk did occur, however, said conduct was proper and lawful pursuant to the California Vehicle code and the photograph evidence submitted by the complainant.

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

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

FINDINGS OF FACT: The complainant stated that approximately 4-6 weeks before the named officer issued him a citation, the same officer detained him at his residence. The complainant could not provide any more of a specific date than 4-6 weeks prior to the citation. The officer denied the allegation. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/19/09 **DATE OF COMPLETION:** 03/03/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer harassed the complainant as well as behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged the plain-clothes officer, whom he had encountered several years prior, followed him for no apparent reason. After the complainant approached the officer inside a restaurant, told the officer he knew the officer was following him and told the officer he would file a complaint of harassment if the officer continued to follow the complainant, the officer not only denied following the complainant, but also allegedly became verbally abusive. Allegedly, the officer continued provoking the complainant into a physical confrontation by using profanity and directing sexual slurs at the complainant, even after the officer subsequently got into his unmarked police car and drove alongside the complainant while the complainant was attempting to get away from the officer. The complainant provided the names of two associates as witnesses who stated they heard this person use profanity directed at the complainant. One witness failed to identify the officer in a photo spread. The other witness provided an incorrect address and failed to make several appointments, which had been scheduled to show her a photo spread containing a photograph of the alleged officer. The officer recalled the incident but denied following the complainant and denied this allegation. The officer said the complainant became loud, confrontational and was causing a disturbance in the restaurant whereby the officer had to request the complainant to leave. The officer indicated the complainant complied. Because witnesses provided by the complainant were unable to furnish adequate identifying information about the officer, there is insufficient evidence to either 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 officer recalled the incident but denied following the complainant and denied this allegation. Because witnesses provided by the complainant were unable to furnish adequate identifying information about the officer, there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer made sexually derogatory comments.

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

FINDINGS OF FACT: The complainant alleged the plain-clothes officer, whom he had encountered several years prior, followed him for no apparent reason. After the complainant approached the officer inside a restaurant, told the officer he knew the officer was following him and told the officer he would file a complaint of harassment if the officer continued to follow the complainant, the officer not only denied following the complainant, but also allegedly became verbally abusive. Allegedly, the officer continued provoking the complainant into a physical confrontation by using profanity and directing sexual slurs at the complainant, even after the officer subsequently got into his unmarked police car and drove alongside the complainant while the complainant was attempting to get away from the officer. The complainant provided the names of two associates as witnesses who stated they heard this person use profanity directed at the complainant. One witness failed to identify the officer in a photo spread. The other witness provided an incorrect address and failed to make several appointments, which had been scheduled to show her a photo spread containing a photograph of the alleged officer. The officer recalled the incident but denied following the complainant and denied this allegation. The officer said the complainant became loud, confrontational and was causing a disturbance in the restaurant whereby the officer had to request the complainant to leave. The officer indicated the complainant complied. Because witnesses provided by the complainant were unable to furnish adequate identifying information about 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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DATE OF COMPLAINT: 08/24/09 **DATE OF COMPLETION:** 03/02/10 **PAGE** #1 of 1

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 and his partner denied the allegation and said that the complainant was arrested for sales of narcotics. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATIONS #3-4: The officers used profanity.

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that an SFPD officer wrote an inaccurate citation. The complainant admitted that the limousine was not properly registered or permitted by SFO/PUC, that the driver did not have the required completed waybill, that the driver could not locate the required DMV documents to show the officer and the insurance documents were not located by the driver. The officer stated that he issued citations to the complainant for all of the hereinabove admitted offenses. The evidence and the admissions by the complainant showed 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's comments and behavior were inappropriate.

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

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

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DATE OF COMPLAINT: 09/10/09 **DATE OF COMPLETION:** 03/27/10 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The officers observed the complainant drive in a reckless manner by exhibiting speed, running a red light, making unsafe lane changes and attempting to evade the officers. At one point during the pursuit, the officers were able to get approximately 30-40 feet away from the motorcycle and attempted to stop the motorcyclist to affect a traffic stop by activating their light and sirens. The officers made contact with the complainant while he walked away from his motorcycle parked approximately 150 feet away. Both officers identified the complainant as the driver of the motorcycle by his helmet, clothing, and motorcycle. The complainant had his helmet in his hand, and the keys to his motorcycle in his possession. The motorcycle was illegally parked on the sidewalk and the engine was hot to touch. The officers had justification to detain the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officers observed the complainant drive in a reckless manner by exhibiting speed, running a red light, making unsafe lane changes and attempting to evade the officers. At one point during the pursuit, the officers were able to get approximately 30-40 feet away from the motorcycle and attempted to stop the motorcyclist to affect a traffic stop by activating their light and sirens. The officers made contact with the complainant while he walked away from his motorcycle parked approximately 150 feet away. Both officers identified the complainant as the driver of the motorcycle by his helmet, clothing, and motorcycle. The complainant had his helmet in his hand, and the keys to his motorcycle in his possession. The motorcycle was illegally parked on the sidewalk and the engine was hot to touch.

The complainant displayed objective symptoms of being under the influence of alcohol. Initially, the complainant refused to participate in field sobriety tests. Later, he took a breath test which resulted in a blood alcohol level above the legal limit. The officers had cause to arrest the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5-6: The officers towed the complainant's motorcycle without justification.

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

FINDINGS OF FACT: The complainant admitted he parked his motorcycle illegally on the sidewalk. Both officers stated the complainant's motorcycle was located illegally parked on the sidewalk. The complainant was placed under arrest for driving offenses and driving under the influence. The incident report further states there was no legal parking for the motorcycle. The authority for the tow was based on the arrest and a sergeant approved the tow. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officers placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The incident report relays the officer checked the degree of tightness and double locked the handcuffs on the complainant. The officer wrote the complainant did not complain of tight handcuffs. The witness officer said he did not recall if the comp complained of tight handcuffs. There is insufficient evidence to either prove or disprove the allegations in the complaint.

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SUMMARY OF ALLEGATION #8: The officer made inappropriate comments towards the complainant.

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

FINDINGS OF FACT: The officer stated he did not tell the complainant to drop to his knees nor that he disliked motorcycles and/or motorcyclist because of a past negative experience. He denied telling the complainant he wanted to ruin his life. The witness officer affirmed heard the named officer tell the complainant to drop to his knees. However, the witness officer's incident report declares the named officer told the complainant to stop on two occasions during the initial contact. There is insufficient evidence to either prove or disprove the allegations in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION # 1: The officer detained the complainant for a prolonged period of time without justification.

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

FINDINGS OF FACT: The complainant was picking up her sister at the airport's lower terminal when she was detained for twenty-five minutes for two mechanical violations. An unidentified police service aid alerted the officer that the complainant had been circling the lower terminal. The officer denied the length of the detention and stated that any delay during the citation process was caused by the complainant's refusal to abide by parking restrictions, and her own questions during the citation process. A witness confirmed the complainant was parked in a white no parking zone before the passenger came out to the curbside to be picked up, and could not account for the length of the detention. Airport communications records showed the citation process did not exceed thirteen minutes. Since the complainant's vehicle lacked license plates, had illegal tinted windows and the complainant lacked proof of financial responsibility for her vehicle, the length of the detention was lawful, conducted during a reasonable period of time, and therefore proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer yelled at her and made unsubstantiated accusations during the citation process. A witness known to the complainant said the officer used a rough and unpleasant tone of voice but attributed statements to the officer, that were inconsistent with his actions and broadcast information about the vehicle's license plates. Neither the complainant nor the officer identified another witness who was present during part of the citation process. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant presented upon demand by the officer a road assistance card instead of her vehicle insurance information card. The card presented only contained the number of the policy and a telephone number to contact the agency. The officer acknowledged seeing the road assistance card and refused to accept it as evidence of financial responsibility for the vehicle because it lacked an effective and expiration date of the policy as required by section 16028(a) of the California Vehicle Code. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #4 The officer issued a citation without justification.

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

FINDINGS OF FACT: The complainant was cited for two mechanical violations because her vehicle had front tinted windows and she did not possess evidence of financial responsibility for the vehicle at the time of the traffic stop. The complainant said she purchased the used vehicle from a dealer with its front and passenger windows already tinted, and was told that they were legal. The car dealer stated that if they sell a vehicle with illegally tinted front windows, the sales contract would typically include a written notification to the owner with the option for its removal. The sales contract contains no language that the vehicle was released to the owner with tinted windows. Therefore, the preponderance of the evidence established that the officer's actions were lawful and proper under Vehicle Code Section 26708(a).

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SUMMARY OF ALLEGATION #5: The officer failed to promptly and politely provide his name and star number.

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

FINDINGS OF FACT: The complainant said she asked the officer several times for his name and star number, which were not distinguishable on the citation. The officer denied the allegation and stated he provided his name and star number in writing and verbally when requested. A witness unknown to the complainant could neither prove nor disprove the allegation, and confirmed that another witness was no longer on scene. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant said the officer told her he would issue her a citation after the officer saw the complainant looking at his star number. The officer denied the allegation and pointed out that he was reasonable in his exercise of discretion when he did not cite the complainant for parking in a restricted white zone or for not having license plates on her vehicle. There were no witnesses to the allegation. Communication records substantiate the officer's account and demonstrate that he acted in compliance with DGO 9.01 I.A., which requires officers to use discretion and not allow the attitude of a violator to influence either enforcement action.

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

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

FINDINGS OF FACT: The complainant alleged that the officers arrested him without cause. The officers denied the allegation. The evidence shows that after the officers' investigation, the complainant was identified as the suspect who had assaulted another person. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officers failed to properly investigate an incident. The complainant said the officers made an assumption that her husband, a co-complainant in this case, had assaulted his co-worker when in fact her husband was simply acting in self-defense. The officers denied the allegation. The evidence shows the officers had probable cause to make the arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/09 **DATE OF COMPLETION:** 03/03/10 **PAGE** #2 of 3

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

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

FINDINGS OF FACT: The complainants stated that the day after the co-complainant's arrest, they returned to the station requesting to press charges against the person who was involved in an altercation with the co-complainant the day before. Officers questioned regarding this allegation denied the allegation. The identity of the alleged officer was not established. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated that their request for a copy of the incident report was denied. The inspector assigned to the case said that he denied the request because the case was still open and being adjudicated in court. Department General Order 3.16, states in part: "The Department retains the discretion to withhold incident reports and other documents during the pendency of an investigation. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper."

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/09 **DATE OF COMPLETION:** 03/03/10 **PAGE** #3 of 3

SUMMARY OF ALLEGATIONS #7-8: The officers made inappropriate comments and/or behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #9: The officer made inappropriate comments and/or behavior.

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

FINDINGS OF FACT: The complainant alleged that while at the station, an officer made inappropriate comments toward the complainant. The officers that had contact with the complainant as well as the sergeants at the station during the booking process were questioned regarding this allegation denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer failed to follow the rules of the road.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence and the identity of the alleged officer was not established.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/09 **DATE OF COMPLETION:** 03/31/10 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was at the intersection attempting to make a left turn. The complainant believed the left turn was legal at the particular time he was at the intersection. The complainant had his left turn signal on and noticed the officer waiting for him to make the left turn. The officer denied seeing the complainant attempt to make the left turn. The left turn that the complainant made was an illegal left turn and there were signs posted. The complainant felt the officer should have dissuaded him from making the illegal left turn instead of waiting for him to make it and then citing him. There are no Department policies or bulletins stating that the officer should predict and/or dissuade a driver when the driver is about to commit an infraction, therefore there was no neglect of duty on the officer's part. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF OCC Added ALLEGATION #1: The officer failed to make the required E585 entry.

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

FINDINGS OF FACT: The officer cited the complainant for making an illegal left turn. In a recorded OCC interview the officer stated he did not remember if he made the required E585 entry. After further investigation, it was reported to OCC that the officer did not make the required E585 entry. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/09 **DATE OF COMPLETION:** 03/24/10 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant told the OCC that he had his cell phone in his hand while driving as he was moving it to the car seat. The officer stated that he saw the complainant with his cell phone in his hand while driving. In stating this, both men gave circumstances that provided a reasonable suspicion for the officer to detain the complainant for investigation of a violation of CVC 23123(a), which prohibits use of a cell phone without a hands free device while driving. The evidence proved that the act that provided the basis for the allegation occurred; however, such act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant told the OCC that he had his cell phone in his hand while driving. The police officer stated that he saw the complainant with his cell phone in his hand looking from the phone to the road while he drove. It appears from these two statements that there was probable cause for the officer to believe the complainant was using his cell phone without a hands free device while driving, in violation of CVC 23123(a) prohibiting this. The evidence proved that the act that provided the basis for the allegation occurred; however, such act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 03/30/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant refused to submit to an interview or provide essential information to advance the investigation of his complaint. The officer and his partner denied the allegation, and stated that the complainant misrepresented the facts about the officer's limited statements and his behavior. OCC attempts to identify and contact two witnesses during this police response were not successful. 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: 10/06/09 **DATE OF COMPLETION:** 03/25/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer cited him on two separate occasions for selling coconuts in Golden Gate Park. The officer recalled citing the complainant once for peddling without a permit. Based on the complainant's own testimony, the officer had cause to cite the complainant. 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 behaved inappropriately or made inappropriate comments.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/09 **DATE OF COMPLETION:** 03/11/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officers laughed at him as they spoke in a language he could not understand during an investigation. The complainant further stated that one of the responding officers made a demeaning statement regarding a previous incident that occurred at the same location. The witness stated the complainant was in his residence when the police contacted him. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers failed to take a report and should have provided him with certain information at the scene upon his request. The complainant called 911 stating that a stranger was prowling his property with a cleaver and had turned off his lights. In fact, the complainant was involved in a dispute with his neighbor, who had acted as the landlord's agent. The officers investigated and determined that the neighbor meant no harm. The most recent dispute was over a window being left open by the complainant. The neighbor used a cleaver as a hammer to nail the window shut to end this. The complainant alleged his neighbor was a physical threat and wanted his neighbor arrested and a report written. He also demanded to know his neighbor's name. The officers refused to name or arrest the neighbor and write a report, stating this was a civil matter between the parties. They said the complainant did not have the right to know or the need to know the neighbor's name, stating the complainant could independently ask his name, further stating the neighbor had been next door for nearly four months. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/09 **DATE OF COMPLETION:** 03/11/10 **PAGE** #1of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 3, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/09 **DATE OF COMPLETION:** 03/11/10 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant, a Deputy Public Defender, stated that her client's mother contacted her and informed her that her son (the complainant's client) had been arrested and wanted to speak with his attorney (the complainant.) The officers refused to allow the complainant, a deputy public defender, to meet with her client at the district station. The complainant was told that Department policy did not allow attorneys to meet with prisoners in district stations for security reasons. Section 9 of the Booking and Detention Manual (July 2008) states, in pertinent part:

It is the policy of the Department to allow counsel (attorneys) to meet with prisoners only at County Jail facilities. However, under exigent circumstances, the Officer-in-Charge may suspend this policy and allow counsel to meet with a prisoner.

Section 825(b) of the California Penal Code states, "After the arrest, any attorney at law entitled to practice in the courts of record of California, may, at the request of the prisoner or any relative of the prisoner, visit the prisoner."

Because the Department's Booking and Detention Manual appears to conflict with California Penal Code section 825(b), the OCC recommends a policy failure finding. The OCC will propose a change to the Department policy that is consistent with state law.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/09 **DATE OF COMPLETION:** 03/16/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-4: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officers were dispatched to the complainant's home after a neighbor called 911 to report that the windows were open, all the dogs were barking, which they never do at night, and only the porch light was on. The officers stated they spoke with neighbors in an attempt to contact the complainant with negative results. The San Francisco Fire Department responded and gained entry through a second story window. The officers stated they entered through the front door and conducted a well-being check, i.e., a visual search for residents and any signs of forced entry. They found neither.

This well-being search falls under the community caretaking exception to the search warrant requirement, i.e., the officers reasonably believed someone was in immediate need of assistance for health and safety purposes. The entry and search was not related to a criminal investigation, and probable cause was not required. (See People v. Ray (1999) 21 Cal.4th 464.) The officers' conduct was proper.

SUMMARY OF ALLEGATION #5: The officer damaged the complainant's property.

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

FINDINGS OF FACT: This allegation falls outside the jurisdiction of the San Francisco Police Department. This allegation was forwarded to the San Francisco Fire Department for investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/09 **DATE OF COMPLETION:** 03/16/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #6-9: The officers failed to notify the complainant that her residence had been entered and searched.

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

FINDINGS OF FACT: The Department has no written policy or general order requiring officers to notify the complainant of SFPD's entry into her home and reason for entry. The complainant stated that she wants this policy (or lack thereof) to be changed.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/09 **DATE OF COMPLETION:** 03/31/10 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officers made threatening comments and displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the officers displayed intimidating behavior and threatened to arrest the complainant and the complainant's sister on bogus allegations. The officers said they responded to the complainant's residence based on a call for assistance the officers had received. The person requesting their assistance told the officers the complainant and the complainant's sister had been harassing building tenants by shouting, yelling, cursing and threatening them. The officers went to the sister's apartment, knocked on the front door, and related this information to the complainant and the complainant's sister after the sisters opened the front door. The officers told them they could be arrested if the caller had requested a Citizen's Arrest. The officers firmly explained this was likely to happen if the officers had to return to the residence for the same complaint and the caller pressed for sister's arrest. 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: An unknown officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant went to a police station to complain about the harsh treatment she and her sister allegedly received from two officers assigned to a different station. A male individual, who the complainant described as a police officer, came to the front window, listened to the complainant's explanation of this incident, and allegedly told the complainant she had to make the complaint at the station where the officers worked. An Officer Poll was conducted at the station the complainant visited to determine whether any officer, who was present at the time, gave this explanation to the complainant. However, no officer was identified. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/13/09 **DATE OF COMPLETION:** 03/20/10 **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: The complainant alleged he was issued a citation without cause. The officer cited complainant for violation of San Francisco Traffic Code Section 127(d). The officer stated he observed the complainant ignore the Fare Inspector's request for proof of payment and exit the train. The Fare Inspector called out for police assistance. Another officer caught up to the complainant and detained him for further investigation. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The co-complainant alleged the officer refused to take an incident report. The officer stated that at no time did the co-complainant ask him to make a police report. The officer denied the allegation. No independent witness came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/09 **DATE OF COMPLETION:** 03/17/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to perform his duties per department regulations.

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

FINDINGS OF FACT: The complainant stated the officer approached him in an unprofessional manner and invaded his personal space because the officer assumed that he did not have a ticket. The complainant said the officer lacked communication skills, knowledge, and confidence. The officer stated he was trained during the FTO program on how the Muni Inspection Program is enforced. The officer stated that he did not recall his contact with the complainant. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/18/09 **DATE OF COMPLETION:** 03/31/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers detained him for no apparent reason. The complainant stated he was on the sidewalk in a verbal argument with his girlfriend. The officers said they heard and saw the complainant in an escalated verbal argument with a female. The officers contacted the complainant in an attempt to de-escalate the exchange between the complainant and the female. One of the officers issued the required 849(b) form to the complainant who was not handcuffed and subsequently released at the scene. A witness, the complainant's girlfriend, left the scene before the officers arrived. There were no other witnesses at the scene. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said he did not need the police to help him nor did he call for them. The complainant admitted he was in a loud verbal argument with his girlfriend. The officers denied they harassed the complainant. The officers stated the complainant appeared angry and to be the aggressor in the verbal argument with his girlfriend. The officers made contact, conducted a records check, and found that the complainant had a warrantless search condition. The witness, the complainant's girlfriend, left the scene when the officers approached the complainant. There were no other witnesses during the incident. 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: 11/20/09 **DATE OF COMPLETION:** 03/30/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant admitted to the Office of Citizen Complaints that he was taking recyclables from a blue bin and the police officer saw him doing so. This action is prohibited by section 293.1 of the San Francisco Health Code. There was probable cause to cite the complainant for this violation, as the officer witnessed this. The evidence proved that the act that provided the basis for the allegation occurred; however, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #2-3: The officers acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officers “switched badges” for unknown reasons. One officer stated that he was the supervisor of the other officer, and the other officer forgot his star at home. The supervisor loaned the officer his patrol star so he could continue his shift dressed appropriately. The officer corroborated that he left his star at home, creating the exigent circumstance of not being fully equipped for his shift. The Department General Orders allow loaning of equipment in exigent circumstances. Both officers gave both correct star numbers to the complainant, as admitted by the complainant in his interview and in his written complaint, so there was no attempt to mislead the complainant as to their respective star numbers. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

The Office of Citizen Complaints recommends that the department amend DGO 10.02 to require that officers generate a memoranda documenting the use of another officers uniform and /or equipment.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/09 **DATE OF COMPLETION:** 03/30/10 **PAGE** #1 of 2

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

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 March 24, 2010.

SUMMARY OF ALLEGATION #2: The officer enforced the law selectively.

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 March 24, 2010.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/27/09 **DATE OF COMPLETION:** 03/30/10 **PAGE** #2 of 2

SUMMARY OF ALLEGATION #2: The officer failed to prepare an accurate incident report.

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 March 24, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/09 **DATE OF COMPLETION:** 03/24/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer manifested a rude attitude or demeanor.

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

FINDINGS OF FACT: The complainant and her husband were passengers in a car driven by her son, who was stopped and cited for a traffic violation. The complainant stated that the officer spoke in a rude manner. The complainant's son described the officer's demeanor as "aggressive," "condescending" and "severe," and said the officer said he could take the complainant's son to jail. The complainant's husband stated that the officer's manner was aggressive and spoke in a threatening tone of voice, although he could not remember the officer's voice being raised and could not cite any specific statements the officer made. The officer denied speaking in a rude manner or exhibiting a rude demeanor. The named officer stated that he did not recall telling the driver that he could take him to jail. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant and her husband were passengers in a car driven by her son, who was stopped and cited for a traffic violation. The vehicle was towed because her son's California driver's license was suspended. The complainant stated that the officer did not allow her to exit the car and use a bathroom at a gas station located across the street and that he forced her and her family members to wait outside in the cold for a lengthy period of time until a taxi arrived. The complainant also stated that this delay prevented her family members from reaching the towing facility to retrieve the vehicle before the facility closed. The complainant's son stated that his mother wanted to exit the car to use a bathroom and that due to the "commotion" he asked to speak to the officer outside the vehicle. The complainant's son stated that the officer said he would summon a taxi for them soon after initiating the traffic stop. The complainant's husband stated that the officer said he would summon a taxi for them approximately thirty minutes before the taxi arrived. Communications records indicate that the officer asked that a taxi be sent to the location of the traffic stop twenty-seven minutes after he initiated the stop. The named officer stated that he did not summon a taxi earlier because he needed to complete several forms related to the citation and towing of the vehicle, and noted that no Department regulations require an officer to arrange transportation for the occupants of a towed vehicle. The named officer denied that the complainant told him she needed to use the bathroom and stated that he would have allowed her to do so if she had articulated that need. The officer stated that he provided the driver of the vehicle with a form containing information on how and where to obtain release of the towed vehicle. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/09 **DATE OF COMPLETION:** 03/24/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer towed a vehicle without cause.

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

FINDINGS OF FACT: The complainant and her husband were passengers in a car driven by her son, who was stopped and cited for a traffic violation. The vehicle was towed because her son's California driver license was suspended, although he had a valid driver's license issued by another country. The complainant's son stated that he returned to the United States on an intended visit one week before the date of the traffic stop. He stated that prior to this traffic stop, he contacted the California DMV concerning his California driver license and was told it was suspended until he resolved two outstanding traffic citations, but that he could drive on his foreign license for thirty days. The named officer stated that he towed the vehicle because state law and Department regulations require that a vehicle driven by an individual with a suspended California driver license be towed. The named officer stated that California law specifies that an individual with a suspended California driver license may not drive in California even if they have a driver license issued by another country. The officer also noted that the citation he issued to the complainant's son was dismissed because the court could not locate the citation and because he was on vacation for a lengthy period of time, which spanned the date of the traffic court hearing. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/09 **DATE OF COMPLETION:** 03/31/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer cited him without justification. The witnesses, including a friend of the complainant, stated the complainant and a security guard from his former housing project got into a heated verbal argument. Although the security guard “egged” the complainant on, the complainant used force first, pushing the security guard. The officer mirandized the complainant and he told her he understood what she said to him. 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: 12/15/09 **DATE OF COMPLETION:** 03/16/10 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officers searched the business 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 February 10, 2010.

SUMMARY OF ALLEGATION #2: The officers 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 February 10, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/09 **DATE OF COMPLETION:** 03/04/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. Department records show that an off-duty officer called for assistance and reported that the complainant was stalking him. The evidence proved that the officers had reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer seized the complainant's property.

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

FINDINGS OF FACT: The complainant stated that his cell phone was seized. Department records show that the complainant's cell phone was seized for evidence. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/09 **DATE OF COMPLETION:** 03/04/10 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #4: The complaint raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Management Control Division for investigation

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/09 **DATE OF COMPLETION:** 03/20/10 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments to him. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

SUMMARY OF ALLEGATION #2: The officer used excessive force

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

FINDINGS OF FACT: The complainant stated the officer used excessive force on him during this incident. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/09 **DATE OF COMPLETION:** 03/11/10 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments and/or displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers told her to move her vehicle or it would be towed. The officer could not be identified. No witness came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/09 **DATE OF COMPLETION:** 03/30/10 **PAGE** #1 of 1

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

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 March 25, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/09 **DATE OF COMPLETION:** 03/30/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer released a female suspect who allegedly assaulted her and robbed her of her iPod. A second male suspect was also involved in the incident and was taken into custody at the scene. The male suspect was arrested with the complainant's iPod in his possession. Department records revealed that the call came in as a man robbing a female. There was no objective evidence that the officers saw another suspect or received evidence regarding any other suspect at the scene. The witness did not come forward. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/10 **DATE OF COMPLETION:** 03/26/10 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated that one officer yelled at her and made inappropriate remarks at her. The officers denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated the officers took away the blanket provided to her and abandoned her on the sidewalk to freeze and would not call a supervisor to the scene. The medical records document that the complainant was discharged and had no specific medical issue and that the complainant was trying to use the hospital as a place to rest and stay warm. The officers stated that the hospital called for them to escort the complainant out of the hospital, as she did not want to leave. The officers stated a supervisor was not needed at the scene for this type of incident. The officer stated that the wheel chair and blanket were provided by the hospital to take her out of the hospital but when she refused MAP services the blanket was retrieved and the complainant was left in front of the hospital, which was her choice. The officers performed their duties as required in Department General Order 2.01 Rule 5.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/10 **DATE OF COMPLETION:** 03/24/10 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: This complaint is not within OCC's jurisdiction.

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

FINDINGS OF FACT: The allegation raises matters not within OCC's jurisdiction. It has been forwarded to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/12/10 **DATE OF COMPLETION:** 03/03/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he believed an officer struck him behind the head while he was walking in his residential neighborhood. The complainant also stated that he believed a police officer struck him, because when he woke up at a hospital he was only missing his Muni Pass and California identification card. Hospital records show the complainant arrived alone and intoxicated in an ambulance after a fall outside an elevator. The evidence showed that the complainant's need for medical evaluation was unrelated to any police involvement. Therefore the alleged act did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/10 **DATE OF COMPLETION:** 03/30/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant wrote an email stating an officer was driving in the park and as he exited, the vehicle peeled away at great speed, skidding on the grass and narrowly avoiding a group of seven people who had moved on the grass to let him by. The OCC followed up and contacted the complainant via email. The complainant stated she was busy and would contact the OCC at a later date to provide detail about the incident. The OCC made attempts to contact the complainant, with negative results. The complainant failed to provide additional requested evidence needed to conduct the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: