

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/10 **DATE OF COMPLETION:** 04/30/10 **PAGE #**1of 1

SUMMARY OF ALLEGATION #1: The officer failed to follow department policy regarding the use of cell phones.

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

FINDINGS OF FACT: This complainant said that the female officer driving San Francisco Police Department marked vehicle # 083, had both hands on a cell phone and appeared to be texting while driving. The officer was not paying attention when it was her turn to move up as the car in front of her moved forward. The officer denied the allegation. Through San Francisco Police Department records the officer assigned to that vehicle was identified. The officer's unit history indicated that the officer was out of service at 8:55 a.m. to 9:45 a.m. at 25 Van Ness, the OCC offices. The OCC records document that the officer was scheduled for a 9:30 appointment. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/04/10 **DATE OF COMPLETION:** 04/18/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer detained the complainant for 5150 evaluations without justification.

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

FINDINGS OF FACT: A preliminary investigation of the complaint was conducted. Based on the complainant's statement and Department records, it was determined there was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer drew a weapon without justification.

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

FINDINGS OF FACT: A preliminary investigation of the complaint was conducted. Based on the complainant's statement and Department records, it was determined there was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer's behavior and remarks were threatening and inappropriate.

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

FINDINGS OF FACT: A preliminary investigation of the complaint was conducted. Based on the complainant's statement and Department records, it was determined 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: 02/01/10 **DATE OF COMPLETION:** 04/26/10 **PAGE #1** of 1

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

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

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

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

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

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

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

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

FINDINGS OF FACT: The officers stated they detained the complainant for riding his bicycle on the sidewalk. The complainant admitted that he was riding his bicycle on the sidewalk prior to being stopped. 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 behaved inappropriately or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers asked him questions about his bicycle, insinuating that he had stolen his bicycle. The officers stated they asked the complainant questions regarding his bicycle to determine if he was the owner of the bicycle. The officers also stated that a passerby told them that he saw the complainant messing with a bicycle lock and possibly attempting to steal the bicycle. However, statements attributed to the passerby have not been verified as the witness has not been identified. Additionally the officers denied the allegation. There is insufficient evidence to either verify or deny the allegation.

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

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

FINDINGS OF FACT: The complainant was cited for riding his bicycle on the sidewalk. The complainant admitted that he was riding his bicycle on the sidewalk prior to being stopped. 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 #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to provide his name upon request.

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

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

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SUMMARY OF ALLEGATION #1: The officer cited the complainant and another passenger in the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officer cited her and another passenger in the vehicle she was traveling in for not wearing seatbelts although they unfastened their seatbelts after the vehicle was stopped. The other passenger who was cited confirmed that she and the complainant unfastened their seatbelts after they stopped. The driver of the vehicle stated that all four occupants of the vehicle unfastened their seatbelts after they were stopped. The named officer stated that when he approached the car he observed that the rear seat passengers did not have their seat belts fastened, and that when he asked them where the seatbelts were, they had difficulty retrieving them because they were sitting on them. Another witness passenger failed to respond to attempts by the OCC to interview her. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer detained the complainant and her companions for an unreasonable length of time.

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

FINDINGS OF FACT: The complainant stated that the officer detained her and the other passengers in the vehicle in which she was riding for an unreasonable length of time. Department records indicate that the traffic stop detention lasted for approximately thirty-five minutes. The named officer stated that the vehicle's driver did not have any registration documents and claimed she had recently purchased the vehicle. The named officer also stated that he cited the driver and two of the passengers, one of whom lacked identification, and that the detention was prolonged due to the time required to confirm the driver's ownership of the vehicle, to positively identify the passenger and to prepare all three citations. The named officer's partner stated that the traffic stop was prolonged because the driver was not the registered owner and did not have any registration documents with her, because one of the passengers did not have identification and because three citations were issued. The complainant and the other passenger who were cited claimed that they were cited without cause and in retaliation for statements they made to the named officer. There is insufficient evidence to prove or disprove whether the citing of the complainant and another passenger was improper, and since the citing of these two individuals accounted for prolonging the detention, there is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer exhibited a rude manner.

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

FINDINGS OF FACT: The complainant stated that the officer exhibited a rude manner. Two of the complainant's companions described the officer's manner as rude, although they did not agree on all of the statements they alleged he made. The named officer denied the allegation. Another witness passenger failed to respond to attempts by the OCC to interview her. The named officer's partner stated that he did not overhear the named officer's verbal interaction with the occupants of the vehicle. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer misused police authority.

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

FINDINGS OF FACT: The complainant stated that the officer cited her and another passenger in the vehicle for not wearing seatbelts in retaliation for statements they made to him. The other passenger who was cited stated that the officer said he was going to cite them because of statements they made to him. The driver of the vehicle said the officer became irritated when she asked him questions and only then stated that he was going to cite the complainant and another passenger for not wearing seatbelts. The named officer stated that he observed that the complainant and another passenger were not wearing seatbelts when he first approached the car and that he cited them for this reason and not because of anything they said or did. Another passenger, who was the only individual in the car who was not cited, failed to respond to attempts by the OCC to interview her. There is insufficient evidence to prove or disprove the allegation.

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

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

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

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

SUMMARY OF ALLEGATION #2: The officer used a racial slur.

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

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

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SUMMARY OF ALLEGATION #1: The officer entered a residence/rented room without cause.

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

FINDINGS OF FACT: During a second OCC contact the complainant stated that he wished to withdraw his complaint.

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

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

FINDINGS OF FACT: During a second OCC contact the complainant stated that he wished to withdraw his complaint.

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DATE OF COMPLAINT: 03/12/10 **DATE OF COMPLETION:** 04/06/10 **PAGE #2** of 2

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

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

FINDINGS OF FACT: During a second contact by OCC, the complainant stated that he wished to withdraw his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to follow procedures.

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

FINDINGS OF FACT: The SFPD issued an Operations General Order 09-03 (dated Nov. 20, 2009) wherein there is no written requirement or directive requiring officers to board and ride bus/metro transit twice each shift for a minimum number of blocks. The Operational Order allows the District Station Captains the discretion to devise operational plans for their respective districts to combat crimes aboard public transit lines. The actions being complained of were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer had a rude attitude.

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

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

SUMMARY OF ALLEGATION #2: The officer failed to write a collision report.

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

FINDINGS OF FACT: The complainant alleged the officer should have written a collision report during a reported vehicle accident. The accident was a non-injury accident. The complainant called 911 for the police at the time of the accident and refused an ambulance offered to him by the dispatcher. The accident was classified as a non-injury accident. The police investigation uncovered that the complainant was driving on a suspended license. Another officer generated a California Vehicle Code report, documenting the violation. The officer provided the complainant and the other party a duly filled out Collision Form. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer towed the complainant's car without justification.

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

FINDINGS OF FACT: The complainant alleged the officer ordered his car towed without justification. The evidence proved that the named officer was not involved in the acts alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complaint stated that the responding officers neglected to take several actions, which he expected from them. Namely, they failed to properly investigate the incident, did not arrest the complainant's alleged attacker and did not call an ambulance to the scene. The complainant's own account of the incident indicated that the responding officers, in fact, interviewed all involved parties to the occurrence, the complainant himself never asked the other person to be arrested or cited and the nature of the event did not measure up to the level of a criminal offense. Furthermore, the related CAD indicated that the Communications dispatcher offered to call an ambulance to the scene for the complainant but he refused this offer. The evidence proved that the acts, which provided basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers used excessive force during the detention.

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

FINDINGS OF FACT: The complainant received medical treatment at a local hospital where he reported that officers caused him to sustain physical injuries to his wrists, knees, and forehead. However, the complainant failed to respond to multiple OCC requests for an interview in order to provide additional requested evidence.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made an inappropriate gesture.

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

FINDINGS OF FACT: The complainant and his companion stated that they were standing on the sidewalk when a police car drove slowly past and the officer in the passenger seat pointed his finger at them. The complainant and his companion were unable to provide specific identification information for the officer or the patrol car. A query was sent to the commander of the district station, who was unable to identify the involved officer based on the physical descriptions provided by the complainant and his companion. The OCC was unable to identify the involved officer with the evidence available. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that that the officer seized a tow truck owned by the complainant's company without cause. The officer told the complainant the tow truck was being held as evidence. The complainant stated that this tow truck was based out of his company's facility in San Francisco but was traveling to a towing job in another county. The complainant stated that his permit to tow vehicles in San Francisco has not been renewed by the Police Department. The driver of the tow truck stated that the named officer asked for his individual tow permit and that he told the officer he did not have it with him and that it had expired. Department records indicate that the driver of the tow truck was cited for a violation of Section 3000 of the San Francisco Municipal Police Code, which requires anyone driving or operating a tow car within the City and County of San Francisco to have a tow permit issued by the Police Department. Section 3012 of the San Francisco Municipal Police Code specifies that violation of this law is a misdemeanor. Department records also indicate that the vehicle was seized per section 22655.5 of the California Vehicle Code, which allows a peace officer to seize a vehicle that he has probable cause to believe was used as a means of committing a public offense. The evidence established that the action complained of was proper and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The allegation raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Management Control Division.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/07/10 **DATE OF COMPLETION:** 04/15/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that officers are following him throughout the city. The complainant did not identify any specific officers and said he could not identify any of the uniformed or non-uniformed officers who are following him. There have been no specific contacts between the complainant and officers. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This 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 referred to:

Pacifica Police Department
2075 Coast Highway
Pacifica, CA 94044-3038

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The 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:

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DATE OF COMPLAINT: 04/22/10 **DATE OF COMPLETION:** 04/29/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: This 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 referred to the: San Francisco Community College District Police Department
50 Phelan Avenue, Cloud Hall 119 (1st Floor)
San Francisco, CA 94112.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the named officer and two other officers came to the apartment building she manages with a search warrant and improperly searched an apartment she previously lived in, which was not listed in the warrant. The occupant of the apartment stated that the officers searched her entire apartment despite her telling them that the complainant did not live there. Department records indicate that the named officer had a search warrant that authorized a search of the manager's office and storage areas under the manager's control. The named officer stated that the only items in this apartment that were searched were several bags that belonged to the complainant. The named officer also stated that the complainant expressed anger about the officers searching her friend's apartment and offered to show the officers where drugs were concealed if they would stop. One of the witness officers stated that he told the complainant that they were going to search the entire apartment, and that the kitchen, bathroom and possibly other areas of the apartment were searched in addition to several bags the complainant identified as belonging to her. This witness officer said he did not search any area of the apartment. The second witness officer who was present stated that he did not recall whether he conducted a search of this apartment. Other officers involved in the search warrant service said they never went upstairs to this apartment. In their statements to OCC, the complainant and the resident of the apartment contradicted one another concerning a significant fact related to the incident, and other statements made by the complainant were contradicted by other evidence. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the incident report attributes statements to her that she did not make. The named officer, who wrote the report, stated that the complainant made these statements. Two witness officers said they heard the complainant make the statements that are attributed to her. One witness officer stated that he saw the named officer talking with the complainant but did not hear what they said. No civilian witnesses were identified. There is insufficient evidence to 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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that after she was handcuffed, the named officer questioned her about criminal activity without reading her a Miranda admonition. The named officer denied questioning the complainant. Two witness officers stated that they did not hear the named officer ask the complainant any questions. No civilian witnesses 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 on one occasion when the named officer saw her on the street he used profanity, but could not specify the exact date of this encounter. The named officer denied using profanity. Officers who often work with the named officer said they did not recall encountering the complainant in the neighborhood. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that when the named officer saw her on the street he made a sexually derogatory comment to her. The named officer denied the allegation. Two officers who were working with the named officer at the time stated that they did not recall seeing the complainant on the street. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant admitted she refused to obey an officer's repeated commands to move out of the street and back onto the sidewalk during a large demonstration. The complainant also denied that she struck any officer. Television footage as well as public recordings showed that the complainant was standing in the street at the time she violently swung her arms back resisting attempts to being taken into custody by four officers. The complainant's admissions couple with statements from several officers as well as footage of her arrest established that there was probable cause to arrest the complainant for willfully disobeying a traffic officer, assault upon a police officer, and resisting arrest. The officers' actions were lawful and proper.

SUMMARY OF ALLEGATIONS #5-8: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: Evidence from statements by the complaint, several officers, and video footage of the complainant's arrest established that the complainant resisted a lawful arrest and was taken to the ground by what the officers described as S.F.P.D. academy taught techniques. The officers denied the presence of any visible injury while the complainant was in their custody and a supervisor stated that the complainant denied being injured or having any complain of pain. County Jail medical records indicate the complainant had an unremarkable general appearance and denied receiving any recent trauma or injury at the time of her booking before being admitted into the facility. The complainant did not seek medical attention, but reported to OCC two days after her arrest that she had sustained multiple bruises and minor abrasions to her extremities. There were no independent witness and there was no other evidence presented to either prove or disprove that the resulting injuries were caused by the officers engaged in the complainants arrest. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9-10: The officers prepared an inaccurate and incomplete report.

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

FINDINGS OF FACT: The complainant alleged that the reporting officers inaccurately reported her committing battery upon a police officer and standing in the street at the time of her arrest. The preponderance of the evidence established that the complainant was in the street when she violently swung her arms, and resisted being taken into custody by four officers. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #11: The officer failed to make a use of force log entry.

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

FINDINGS OF FACT: The complainant stated she sustained bruises due to the force used during her arrest, which were visible two days after her arrest. The complainant did not seek medical evaluation. County Jail medical records at the time of her booking indicate the complainant had unremarkable general appearance and denied any recent injury or trauma. Several officers acknowledged using reasonable force to overcome the complainant's resistance during her arrest, but denied seeing or being made aware of that the complainant sustained any visible injury or complained of pain. The preponderance of the evidence established that there was no visible injury or a complaint of pain at the time of her arrest or booking. The officers' omission was consistent with departmental procedures and therefore proper.

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

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

FINDINGS OF FACT: The complainant alleged the officers had no reason to detain him. The named plainclothes officer was conducting surveillance of the housing development where the complainant lived. The housing development is located in a high crime area. The plainclothes officer observed within the housing complex an individual dressed in dark clothing with a hoodie pulled over his head, wearing gloves and some type of covering on his face. In light of the warm weather, the plainclothes officer found the complainant's clothing unusual. Additionally, the officer could not identify the individual and did not know the reason the individual's face was covered. The named plainclothes officer requested two uniformed officers within the housing complex to contact the individual and determine his identity.

The two named uniformed officers made contact with the complainant, requested he remove the covering on his face and asked him for identification. The complainant removed the covering from his face, protested the police contact, called to his mother who was close by, gave his name and said he lived at the housing complex. When the named plainclothes officer arrived shortly thereafter, he immediately recognized the complainant and told the complainant he had asked the uniformed officers to identify him because he did not know who he was. One of the named uniformed officers ran the complainant for a warrant check. The named uniformed officers stated that the complainant was free to leave once they received word from dispatch that he was clear with no warrants.

Once the complainant uncovered his face, identified himself and that he lived at the housing complex, the purpose of the stop was satisfied. The officers' continued detention of the complainant for a warrants check was unlawful because they lacked any reasonable suspicion that the complainant's behavior was related to criminal activity or that a crime had or was about to occur. By further detaining the complainant without a reasonable suspicion, the officers violated the Fourth Amendment and 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 improper.

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

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

FINDINGS OF FACT: The complainant alleged the officer had no reason to detain him. The officer was partnered with a senior officer and conducting surveillance of a housing complex. The senior officer made radio contact with two uniformed officers and requested they stop and identify a young black male wearing clothing he thought to be suspicious. The officer accompanied the senior officer during the detention but had no interaction with the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer harassed the complainant and made rude and inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged the named officer harassed him and made rude and obnoxious comments to him. The officer denied the allegation. The officer said the complainant is using the police civilian oversight department as a tool to discourage him and area officers from being proactive within the housing development. The officer said they park their patrol vehicles in a position to observe the activities within the different areas of the housing development. The officer denied parking near the complainant's windows to his residential unit and making an inappropriate gesture towards the complainant. The witness officer corroborated that they parked in an area that did not provide a view to the complainant's residential unit or to any of its windows. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he should not have been issued citations and arrested on scene. The complainant admitted he double-parked his vehicle and refused to get back into his vehicle multiple times when ordered to do so by the officers. The officers investigated a suspicious vehicle and stated the complainant double-parked his vehicle in violation of 22500(h) CVC. The officers said the complainant refused to obey their verbal commands and was resisting, delaying, and obstructing in violation of 148(a)(1) PC. The officers issued the complainant citations for traffic violations, resisting peace officers, and for taxicab class training. A witness stated she and her passengers left when the officers spoke with 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: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate and threatening behavior and comments toward him during the arrest. The officer denied the allegation. Several witness officers did not hear the officer make any inappropriate or threatening behavior and comments during this incident. The witness said she and her passengers left when the officer first made contact with the complainant. The witness said she was not able to recall the dialog between the officer and the complainant. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #4-7: The officers used force during the arrest.

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

FINDINGS OF FACT: The complainant stated officers used force on him during the arrest. The officers denied the allegation. A witness stated she and her passengers left the scene when the officers spoke with the complainant. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to make the required E585 traffic stop data entry.

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

FINDINGS OF FACT: The officer conducted a vehicle stop on the complainant who was double-parked on the street. The officer stated he did not make the required E585 on either a MDT terminal or a worksheet as he was required to do. The officer stated he did not make the required E585 on either a MDT terminal or a worksheet because he forgot. The officer admitted it was his sole responsibility to complete the required E585 entry because he wrote the incident report and issued the citation. Requests were made to the San Francisco Police Department for records to show the E585 entry was completed. The Department responded by stating that no records were found for the officers on scene. The officer entered the required data months after the fact only when he was notified about the OCC complaint. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF OCC ADDED ALLEGATIONS #2-3: The officers failed to take required action.

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

FINDINGS OF FACT: The officers observed a double-parked vehicle that impeded the flow of traffic. The officers conducted a vehicle stop on the complainant. The officers did not recall who called for the marked unit. Department records indicated that a marked unit did happen upon the location within approximately one minute of the officers' on-air query of the complainant. Despite the Department records that showed neither the officers specifically requested a marked unit to come to the scene, a marked unit in fact arrived on scene as required by Department General Order 5.08C. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #1-4: The officers detained the complainant without cause.

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

FINDINGS OF FACT: An unidentified caller dialed 911 emergency. The caller reported the complainant showed a gun, and the caller stated there was a restraining order against the complainant. The caller provided a description of the complainant and gave the approximate location of where police could find the complainant. Police responded to the location and saw the complainant. They attempted to detain and question the complainant, but described that the complainant became agitated, uncooperative, verbally abusive, combative and resisted being detained. After being brought under control, the complainant denied having a gun or engaging in any illegal activity. The complainant stated she was startled and bewildered at why the police approached her. She walked away from the officers believing the officers were looking for someone else. Subsequent to a search of the complainant and the nearby area, police did not find a gun. 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 #5-6: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: After responding to an "A" priority emergency broadcast advising police of a suspect with a gun, the officers saw the suspect (complainant). The officers attempted to detain and question the complainant, but described that the complainant walked away. Additionally, the officers said the complainant became agitated, uncooperative, verbally abusive, physically combative and resisted being detained. Consequently, the officers stated they had to grab the complainant by the arm. They had to force her to the ground in order to handcuff and restrain her. The complainant stated she was startled and bewildered at why the officers approached her. Therefore, she walked away from the officers after they initially confronted her. The complainant claimed the officers were not justified in using the amount of force they used. The officers denied using unnecessary force. None of the officers who responded to this incident heard the complainant say she was injured or in pain, even though one of the officers repeatedly asked the complainant this question. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-8: The officers made inappropriate comments and threatened the complainant.

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

FINDINGS OF FACT: During the process of restraining the complainant, the officers allegedly made inappropriate comments and threatened to kill the complainant. The officers denied the allegation. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer inappropriately searched the complainant.

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

FINDINGS OF FACT: Another officer requested the assistance of a female officer to search the complainant, who was described as a transgender female. The female officer responded to the scene and described searching the complainant in accordance with Department procedures. The complainant alleged the officer groped her, but the officer denied this. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #10-11: The officers directed a sexual slur at the complainant.

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

FINDINGS OF FACT: During the process of restraining the complainant, the officers allegedly made sexual slurs directed at the complainant. The officers denied the allegation. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #12-13: The officers applied handcuffs too tightly.

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

FINDINGS OF FACT: The complainant said the officers detained her and applied the handcuffs so tight that her left hand turned blue at the wrist. She stated her wrist later became swollen. Although the officers admitted they participated in bringing the complainant under control, the officers could not recall whether they actually handcuffed the complainant. They did not know which officer did. None of the officers who responded to this incident heard the complainant say she was injured or in any pain, even though one of the officers reportedly asked the complainant this question. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant said the officer damaged her handbag by intentionally cutting the strap. The officer acknowledged doing this because the complainant resisted being detained, and would not release the handbag during an ensuing struggle. The officer believed the complainant was trying to reach for the gun he believed was inside the handbag. The complainant admitted walking away when the officers initially approached her and resisting the detention because she was afraid. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #15-16: The officers used profanity.

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

FINDINGS OF FACT: During the process of restraining the complainant, the officers allegedly used profanity. The officers denied this and other officers at the scene stated they did not hear any officer use profanity. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officer used excessive force during his arrest. The officer admitted to using force on the complainant when he attempted to arrest the complainant. The officer stated the complainant had a weapon and he felt threatened by the complainant. The officer did not notify his supervisor of the use of force, and the use of force was documented in the use of force log. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the named officer arrested him without cause. The officer arrested the complainant for being on board a vessel that was impounded because it did not legally belong to him. The complainant was not able to provide the officer or the OCC with documentation stating that he had the right to be on board the vessel he was on during this incident. 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 #1-3: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainants stated the officers searched their residence without cause. Two of the named officers were part of the tactical entry team and were presented with a valid search warrant to search the complaint's residence prior to their entry and search of the residence. These two officers performed a protective sweep to secure the residence for the investigative team. The other named officer admitted to searching the residence because he had a valid search warrant that gave him permission to search the residence and all areas of the residence. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainants stated the officers entered their residence without cause. The named officers were part of the tactical entry team and were presented with a valid search warrant to search the complaint's residence prior to their entry of the residence. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #6: The officer used excessive force.

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

FINDINGS OF FACT: Both complainants stated an officer used excessive force during the search of their residence. The complainants do not know which officer(s) used the force and were not able to describe the officers. During the OCC investigation, the officers that were interviewed denied using any excessive force on either complainant during this warrant service. There are no independent witnesses to this investigation. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

SUMMARY OF ALLEGATION #7: The officer detained the complainant for a prolonged period.

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

FINDINGS OF FACT: One of the complainants stated he was detained for several hours at a district station before he was questioned about a specific crime. The named officer did admit that the complainant was detained at the district station for quite sometime, but this was to conduct his investigation of the crime that occurred by interviewing several witnesses before he questioned the complainant. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #8-10: The officers detained the complainants without cause.

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

FINDINGS OF FACT: The complainants stated they were detained without justification. The named officers had a valid search warrant and were conducting an investigation regarding a robbery that had occurred. One of the complainants was identified as a possible suspect in the robbery and is a resident in the home of the other complainant. All persons in the residence were detained pending further investigation of the crime that had been committed. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainants stated an officer made inappropriate comments to them during this incident. The complainants were not able to identify which officer(s) made the inappropriate comments. During the OCC investigation, the officers that were interviewed denied making any inappropriate comments to the complainants during this investigation. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

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SUMMARY OF ALLEGATION #12: The officer used profanity.

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

FINDINGS OF FACT: The complainants stated an officer used profanity during this investigation. The complainants were not able to identify which officer(s) used the profanity. During the OCC investigation, the officers who were interviewed denied using any profanity during this incident. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

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.

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force in taking him into custody inside a store. The complainant said the officer punched him, causing him to fall and lose consciousness. He further alleged the officer dragged him from the store by the hair. The store had a valid request in its window to enforce Section 25 of the San Francisco Municipal Penal Code (MPC). One of the witnesses heard the officer order the complainant to place his hands several times behind his back, but the complainant did not comply. The witness saw the officer strike the complainant's face once with a closed fist. He saw the man fall, but he did not complain of pain. Two witnesses said the complainant walked out of the store. The complainant had a bloody lip. The OCC interviewed the paramedics summoned to the scene for complainant's bloody mouth. When they interviewed the complainant, he did not complain to them that he had lost consciousness at the scene. He never informed them that he had taken a fall or suffered any concomitant injuries related to a fall. The medics did not prepare a Patient Care Report and they did not transport the complainant. Video evidence did not capture the officer's use of force. The videotape confirmed the complainant walked out of the store in custody, not dragged by the hair, as alleged. The video shows a different officer from the named officer walking the complainant out of the store. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged he was improperly cited for violation of 25 MPC, and California Section 148 of the Penal Code, delaying an investigation. The complainant said he was shopping with his girlfriend for a movie at a local sex shop, but his girlfriend left and went to a local taqueria. The store had a sign posted in its window, requesting that police enforce 25 MPC. The posted sign allows police to enforce the statute for property owners against persons who impede or in any way remain inside the property's doorway, or remain inside the property without the owner's permission. Although the officer ordered the complainant out of the store, no one from the store called the police to have the complainant removed. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he was told by a crime victim that she had seen the complainant with her stolen property, and so he entered the residence to gather evidence and investigate the crime. A witness stated that she had told the officer that she saw the complainant with property that looked like hers, but supplied no specific information linking the complainant to the crime. A review of Department policy and case law indicated that the officer did not have probable cause to enter the apartment and gather evidence without a warrant. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he was not present for the actions that led to another officer entering the complainant's residence, but that the named officer had entered the residence to provide cover for a fellow officer. 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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SUMMARY OF ALLEGATION #3: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he handcuffed the complainant for officer safety. One witness officer stated that he saw no apparent reason that required handcuffing of the complainant in this situation, but said the handcuffing under these circumstances was not unusual. Another witness stated that the complainant was compliant, did not resist in anyway, and made no move to flee. The evidence proved that the officer had no probable cause to enter the complainant's residence and, as such, the handcuffing was improper as well. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he detained the complainant based on the word of a crime victim who identified the complainant as a suspect. A witness, the victim of the burglary in this case, stated that she told the named officer that she had seen someone with property that looked like the property stolen from her, but provided no information that linked the complainant to the crime. Additionally, the named officer detained the complainant inside his apartment, a detention that was improper because the entry to the apartment was not conducted in compliance with Department policy. 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 ALLEGATIONS #5-6: The officers acted inappropriately.

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

FINDINGS OF FACT: The named officers denied the allegations. Statements of the complainant and one witness were inconclusive. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was arrested during a narcotics surveillance operation in the downtown area. The complainant alleged that the officer wrote an inaccurate report regarding the circumstances of her arrest. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was arrested during a narcotics surveillance operation in the downtown area. The complainant denied being involved in any sales of narcotics. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3-4: The officers conducted a strip search without cause.

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

FINDINGS OF FACT: The complainant was arrested during a narcotics surveillance operation in the downtown area. OCC's investigation established that the strip search was conducted to further search for concealed contraband and that the search was approved by the officers' supervisor. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #5: The officer conducted an improper search.

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

FINDINGS OF FACT: The complainant stated a female officer pulled the complainant's tampon out of her vagina while conducting a strip search. The officers who conducted the search denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #6: The officer harassed the complainant.

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

FINDINGS OF FACT: The officer and her partner denied the allegation. No other witnesses 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:

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer said a crowd had gathered during the incident creating an officer safety issue. The officer ordered and demanded the crowd to back away from the scene. The witness officer corroborated the named officer's account of the gathering crowd and officer safety concerns. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 2: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The officer denied the allegation. The witness officer denied hearing the named officer make such a comment towards the complainant. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer attempted to handcuff the complainant by utilizing the academy trained bent arm wristlock to the rear. The named officer said he attempted to handcuff the complainant as a solo officer and used the patrol car as leverage. He denied pounding the complainant's face and body against the patrol car. The named officer said he requested the complainant provide her second wrist for handcuffing. He could not recall if the complainant's arm was trapped under her body, though eventually was able to handcuff her other wrist. The witness officer corroborated the officer attempted to handcuff the complainant and used the patrol car for leverage. He did not observe the named officer pound the complainant's face and body against the car. The witness officer said the complainant would not comply and continued to hold on to the patrol car. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said she honked her horn at a vehicle that was taking a long time to exit a parking lot.

Both officers denied the allegation. The officers said the complainant used her horn excessively in an attempt to expedite another vehicle's departure from a parking lot she wished to enter. The passenger witnesses corroborated the complainant honked her horn at a motorist blocking the entrance to a parking lot. There were no independent witnesses. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #6-7: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated she was angry during the incident. When the officer told her that her vehicle would be impounded, she proceeded to get out of her car and walk away. The officer told her to return to her vehicle and she complied.

The first named officer told the complainant to sit in her vehicle several times, yet she did not comply. Once she was asked to exit her vehicle, she continued to move around by walking to her car, talking to the occupants, then walking around other bystanders. The officer said the complainant was uncooperative and her movements became a safety issue for the officers.

The second named officer stated a crowd gathered and he tried to keep a watchful eye on the crowd while writing the citation. The crowd was yelling profanities toward them. The complainant was talking to the crowd and inciting them. The complainant waved her arms around, called the officers names, and walked in circles near her vehicle. Both officers corroborated for their safety, it was necessary to handcuff the complainant to complete the traffic stop. There were no independent witnesses. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF OCC ADDED ALLEGATION #1-2: The officers failed to make the required traffic stop data entry.

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

FINDINGS OF FACT: Both officers acknowledged they conducted a traffic stop on the complainant. She was issued a traffic citation for several violations and her vehicle was towed. Both officers stated they did not collect the required data pertaining to the complainant's traffic stop and ensure that it was entered into the database, as required by Departmental policy. As evidenced by prior and post traffic stops, the police vehicle computer was fully functional in their patrol car. The Department's bulletin requires collection of data related to all traffic stops. The officers said they understood the reason for collecting the traffic data is to keep track of who is subjected to traffic stops for analysis and evaluation of patterns and practices. They also affirmed they are aware of the importance of collecting information and that the information must be reliable. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/29/09 **DATE OF COMPLETION:** 04/29/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer denied the allegation. The named officer's partner could not recall the incident in question. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. The named officer's partner could not recall the incident in question. 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 drew his weapon without justification.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer's partner could not recall the incident in question. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer's partner could not recall the incident in question. 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 searched the complainant's purse without cause.

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

FINDINGS OF FACT: The officers questioned regarding this allegation either denied the allegation or could not recall the incident in question. The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer said he detained the complainant because of his behavior and his search condition. The actions of the officer were lawful.

SUMMARY OF ALLEGATIONS #2-4: The officers entered and searched a residence without cause.

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

FINDINGS OF FACT: The officers said the occupants of the house were cooperative and allowed them entry to conduct a probation search and the owner signed a Permission to Search form. The complainant denied living at the address. The complainant's rap sheet lists the address as his residence. One of the officers said the complainant told him that he lived there. The evidence proved that the acts which provided the basis for the allegation were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant complained that he was not taken to the hospital after being told by the paramedics that he needed stitches. The officer said the complainant was not taken to the hospital because he refused medical attention. The ambulance service had no record of responding to this incident. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant complained that the incident report documents that he was on felony probation when he was on misdemeanor probation. The officer said his communications query reported that the complainant was on felony probation. A review of the Court History documents that the charges in that case in question were filed as a felony. Subsequent action by the court may have reduced the charges without updating the change in the computerized system. The record is ambiguous. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #7-8: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant said after being tackled to the floor one officer kicked him in his head, another officer punched him and an officer stomped on his head. The officers said when they advised the complainant that he was to be arrested the complainant tried to bolt out the front door and they had to block his path, the complainant struggled with them and they fell to the floor where they struggled to handcuff the complainant. The officers denied punching or stomping on the complainant's head. Witness officers denied seeing the alleged force. The officers and the incident report document that the complainant had a facial injury that was bleeding so the force was reported to a supervisor who made an entry into the Force Log. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant said the officer made threats against him and his family if he refused to cooperate. The officer denied the allegation. There were no witnesses at the time the alleged threats were made. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The 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 provide medical attention.

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

FINDINGS OF FACT: The named member and witness officers denied that the complainant made any complaint of back pain during the incident. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #3: The officer failed to follow procedures.

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

FINDINGS OF FACT: The complainant who uses a wheelchair was transported in a police wagon, separated from his wheelchair and not secured by a seatbelt. Department Bulletin (DB) 09-100 allows transport in a police vehicle if the person has the upper body strength to transfer themselves from the wheelchair to the patrol car, however requires that, "If transported in a police vehicle, not in the chair, the vehicle must be equipped with seat belts." The police van had no seatbelts as verified by the named member, two witness officers and the complainant. The officer violated (DB) 09-100.

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The named member and witness officers denied making or hearing the alleged comment. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #5: The officer caused damage to the complainant's property.

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

FINDINGS OF FACT: The named member and witness officers denied any knowledge that the wheelchair was damaged during the incident. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers went to the complainant's residence in response to a request for assistance from a cab driver. The cab driver told the officers that someone inside the residence refused to make adequate payment for a cab ride he had just provided to two individuals. Even though the cab driver told the person making payment he did not accept personal checks, this customer wrote an illegible personal check for payment. After the officers made several attempts to contact someone inside the residence, an unidentified female answered the door. The complainant, who subsequently came to the front door, alleged the officers illegally entered the residence without being invited. The officers acknowledged entering the residence by crossing the threshold to the residence and going no further. The officers said since it was nighttime and dark outside the front door, they wanted to clearly show the person, who opened the front door, the evidence in an area where there was sufficient lighting (inside the residence). The officers also explained the reason for their presence. The officers said the person who met them at the front door did not object to the officers entering the residence. While the officers were talking to this person, another resident, who the officers said exhibited signs of intoxication, exited her bedroom. This person began yelling at the officers, telling them they had no right to be there. A third resident subsequently exited her bedroom and paid cash to the cab driver, thereby settling this matter. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers conducted a traffic stop without cause.

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

FINDINGS OF FACT: The complainant stated he had his signal on when he changed lanes and believes the officer falsely stopped him. The officer denied the allegation. The witness did not respond to an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers searched the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated that the officers searched his vehicle. The officers stated the complainant's vehicle was searched because his vehicle was going to be towed and a tow inventory search was conducted. Per DGO 9.06 Section II. B. officers are allowed to conduct searches for inventory of the vehicle when it is going to be towed. 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 vehicle.

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

FINDINGS OF FACT: The complainant stated that the officer towed his vehicle for having a suspended license. The complainant stated he believed his license was valid and was not suspended until September 19, 2009 for unpaid child support. The officer denied the allegation. Department records indicated that the complainant's license was suspended effective January 9, 2008 for a failure to appear court notice. The officer had the authority to tow the vehicle for the Department Stop Program California and Vehicle Code 14601.1 (a). The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officer harassed the complainant due to bias.

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

FINDINGS OF FACT: The complainant stated the officer has been harassing him since he saw him on television regarding a federal case. The complainant said the officer stopped him and asked him to volunteer information while at a Carnival on May 2009. The complainant believes the traffic stop on August 19, 2009 was a made up violation in order for the officer to harass him. The officer stated that his encounter with the complainant in May was consensual and he just spoke to him. The officer stated that his contacts with the complainant have nothing to do with having something personal against the complainant. The witness did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity when he made contact with him. The officer denied the allegation. One of the identified witnesses stated he did not witness the incident and the other witness did not provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used inappropriate and threatening behavior and comments.

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

FINDINGS OF FACT: The complainant stated the officer did not allow him to explain the situation. The complainant said the officer failed to listen and investigate the incident and threatened to arrest him. The officer denied the allegation and stated the complainant was not coherent and appeared intoxicated. The officer stated he did listen to the complainant and attempted several times to explain why he was not allowed back into the business establishment. One of the identified witnesses stated he did not witness the incident and the other witness did not provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged the officer stopped and detained him for no reason. The complainant admitted that he removed recycled material from a recycling bin but said he had permission to do so. The named officer, a witness officer and a witness, stated they observed the complainant remove material from a recycling bin and that the complainant did not have permission to remove the materials. The named officer stated he detained the complainant for investigation of a possible crime. The evidence proved that the officer had reasonable cause to detain the complainant and that the officer acted properly and lawfully when he detained the complainant.

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

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

FINDINGS OF FACT: The officer and his partner stated they observed the complainant take material from a recycling bin and that the complainant did not have permission to do so. The witness corroborated that the complainant took materials without permission. The complainant admitted that he took the material from the bin but said he had permission to do so. The officer issued a citation for theft of recycled materials. The evidence proved that the act that provided the basis for the allegation did occur, however, the officers actions were proper and lawful.

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

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

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

SUMMARY OF ALLEGATION #4: The officer failed to take required action pursuant to DGO 5.20 (Language Access Services for Limited English Proficiency Persons).

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

FINDINGS OF FACT: The complainant stated he requested a Spanish-speaking officer. The named officer and a witness officer denied that the complainant requested translation services. The officers stated that the complainant spoke in English during the contact and the complainant complied with their requests to him in English. Witnesses provided conflicting statements. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The officer and a witness officer denied the allegation. The officers stated that the complainant was detained and cited because they observed the complainant commit a theft of recycled materials. The complainant admitted that he took recycled materials from a recycling bin but had permission to do so. A witness stated that he observed the complainant take materials from a recycling bin without permission and that he called police to come to the scene and respond to the crime in progress. The investigation showed that the officers responded to a call and observed a person (the complainant) commit a crime. There was no evidence that the officer used biased policing to initiate this contact. The evidence showed that the act alleged did not occur as the officer lawfully responded to a crime in progress that he was called to, that the officer observed and that the complainant admitted to doing the act that was alleged to be criminal.

SUMMARY OF ALLEGATION #6: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses provided conflicting statements. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer failed to comply with proper procedure detailed in DGO 5.08.

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

FINDINGS OF FACT: The complainant and his witness stated the officer pulled their vehicle over in a traffic stop. The named officer and witness officer stated they were in plainclothes and in an unmarked unit. They stated they did not make a traffic stop as the complainant had already stopped his vehicle and was outside of his vehicle when they contacted him. There were no independent witnesses to the stop. DGO 5.08 requires in relevant part that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make traffic arrests except when the activity is related to an ongoing criminal investigation. The investigation showed that the officers were conducting a criminal investigation and acted appropriately when they contacted the complainant.

SUMMARY OF ALLEGATION #8: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant alleged the officer did not return the complainant's vehicle registration. The officer denied the allegation. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to record the required Traffic Stop Date Collection Data as required by Department Policy.

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

FINDINGS OF FACT: The complainant and his passenger said their vehicle was pulled over by the officer and his partner. The officer and his partner stated they did not conduct a traffic stop of the complainant's vehicle because the complainant's vehicle was already stopped before the contact occurred. The officers said they had observed the complainant commit a criminal offense and they had probable cause to investigate the complainant for the criminal activity they observed. The SFPD Subject Matter Expert was consulted by OCC and stated that officers who observe criminal activity or have reasonable suspicion that a person's behavior is related to criminal activity can detain a person. The investigation proved that the named officer had probable cause to investigate a criminal action that he observed. There were no independent witnesses to corroborate whether a traffic stop occurred, however, the officer had probable cause to detain the complainant for investigation of a criminal activity.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said the plainclothed officers did not identify themselves. The officers said they did identify themselves verbally and they had their stars hanging around their neck. An independent witness corroborated the officers' statements. No other witness responded to the OCC's request for an interview. Based on the evidence the officer's conduct was within department policy.

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

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

FINDINGS OF FACT: The complainant admittedly attacked the officer stating that he did not know the man grabbing his friend was a police officer. The officers and an independent witness said the officers did identify themselves. Because it is illegal to commit a battery on a peace officer the arrest of the complainant was justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #5 and 6: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant said the officers used unnecessary force against him. An independent witness said the complainant attacked the officer and was aggressively challenging him to fight that caused the witness to become involved and assist the officer with controlling and handcuffing the complainant. No other witness responded to the OCC's request for an interview. Based on the evidence the actions of the officer were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officer cited him without cause. The officer's own testimony established that the officer improperly cited the complainant. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and made inappropriate comments. Civilian witnesses interviewed by the Office of Citizen Complaints supported the complainant's allegation against the officer. The officer denied the allegation. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to promptly provide his name and star number upon request. The officer denied the allegation. Witnesses interviewed by the Office of Citizen Complaints supported the complainant's allegation against the officer. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #4: The officer made racially derogatory comments.

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

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

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SUMMARY OF ALLEGATION #5: The officer selectively enforced the law against the complainant due to bias.

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

FINDINGS OF FACT: The complainant alleged that the officer selectively enforced the law against him due to bias. The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The complainant alleged the officers did not take required action.

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

FINDINGS OF FACT: The evidence showed that the officers investigated the matter by speaking with both parties involved in the dispute. The officers determined that this was a civil matter and that no crime had occurred when the store employee asked the officers to escort the complainant from the store after the complainant tried to return a used lottery ticket. The evidence showed that the officers acted appropriately according to Department policy and procedures.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/07/09 **DATE OF COMPLETION:** 04/15/10 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in his written statement an officer used excessive force on his friend. The named officer admitted to having physical contact with the subject being detained, but denied using any excessive force on him. The complainant did not respond to Office of Citizen Complaint's attempts to record an interview with him. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2-3: The officers detained a subject without justification.

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

FINDINGS OF FACT: The complainant stated in his written statement he observed his friend being detained by the named officers. The named officers admitted to detaining the complainant's friend because he was using profanity and appeared to be under the influence of alcohol. The complainant did not respond to the Office of Citizen Complaint's attempts to record an interview with him. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/09 **DATE OF COMPLETION:** 04/03/10 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers conducted a traffic stop due to racial bias.

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

FINDINGS OF FACT: The complainant stated he was racially profiled due to his appearance and the type of vehicle he was driving. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers searched the complainant and his vehicle without cause.

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

FINDINGS OF FACT: The complainant said the officer searched his vehicle because he could not find his registration. The officer stated he searched only the areas where the registration could be located. Per DB 09-117, the officer had the authority and probable cause to conduct the search. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 10/15/09 **DATE OF COMPLETION:** 04/03/10 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #5-6: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the citing officer raised his voice at him and stated that the cover officer was telling the citing officer what to do and believed he was training him at his expense. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/09 **DATE OF COMPLETION:** 04/28/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he saw a female MUNI passenger attempting to board a bus through the rear door. He admitted yelling at the passenger, ordering her in a loud voice to use the front door. The complainant's loud voice drew the attention of the officer. He sought to further investigate and detained the complainant. There is insufficient evidence to determine whether or not the complainant's behavior justified detention.

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

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

FINDINGS OF FACT: The officer stated the complainant was agitated and hostile. There is insufficient evidence to determine whether or not the handcuffing was justified by the complainant's behavior.

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DATE OF COMPLAINT: 10/23/09 **DATE OF COMPLETION:** 04/28/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #5: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/29/09 **DATE OF COMPLETION:** 04/07/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant did not provide a specific date when the alleged incident occurred. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant did not provide a specific date when the alleged incident occurred. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/29/09 **DATE OF COMPLETION:** 04/07/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant did not provide a specific date when the alleged incident occurred. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant did not provide a specific date when the alleged incident occurred. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/29/09 **DATE OF COMPLETION:** 04/07/10 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant did not provide a specific date when the alleged incident occurred. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6-7: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant did not provide a specific date when the alleged incident occurred. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/09 **DATE OF COMPLETION:** 04/29/10 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated the officer used racial profiling as a means to gain probable cause to harass him. The officer denied the allegation. The officer stated he observed the complainant talking on a cellular phone while driving. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer should not have cited him and that he was a victim. The officer stated he on viewed the complainant talking on his cellular phone while driving a motor vehicle in violation of 23123CVC. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/05/09 **DATE OF COMPLETION:** 04/29/10 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant stated that he felt threatened by the officer who had his hand on his gun during the detention. The complainant stated the incident could have resulted in violence if the officer did not get his way. The officer denied making any threats toward the complainant and did not recall if he had his hand on his gun while talking to the complainant. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/02/09 **DATE OF COMPLETION:** 04/03/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated a female officer stopped him and a friend as they were running across the street before the light changed and the officer told them they were jaywalking. A poll was sent to all stations and the female officer has not been identified with the information provided by the complainant. The witness has not provided a statement. At this time 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 stated the officer was very condescending, aggressive, and intimidating during the incident. The officer pretended that she was going to issue a citation and then she made an excuse why she would not issue the citation and returned their identification. A poll was sent to all stations and the female officer has not been identified with the information provided by the complainant. The witness has not provided a statement. At this time there is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/06/09 **DATE OF COMPLETION:** 04/05/10 **PAGE# 1 of 5**

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 standing on the sidewalk near a liquor store. One of the named officers stated that as he and his squad of officers drove by, they heard loud music coming from a vehicle parked on the sidewalk and observed the complainant and another man who both appeared to be intoxicated yelling loudly and using profanity. The other named officer stated that as he and his squad drove, he observed the complainant and another man loudly arguing and heard the complainant yell a profane insult at the officers. Both officers stated that they stopped to investigate and contacted the complainant, who appeared to be intoxicated. They requested and eventually obtained identification from the complainant, ran a check to determine whether he had any warrants and then left the scene. Witness officers confirmed hearing the complainant scream a profanity at the officers as they drove by and confirmed that the complainant and his companion, who appeared to be intoxicated, were arguing. A civilian witness stated that he and a friend were sitting on a car when multiple officers traveling in vans stopped and detained him. The officers handcuffed the witness, obtained his identification and ran a check on him. They then released him and approached a man whose description matched that of the complainant. Communications records contradict this witness' account of the timeframe of events: they indicate that a wants and warrants check was run on the complainant two minutes before a similar check was run on this witness. Attempts to contact an acquaintance of the complainant who was present at the scene were unsuccessful. No other civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: 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 officers searched his vehicle without his consent and without cause. One named officer stated that another officer told him that he saw a shotgun shell inside a nearby car and that the complainant said this was his car and that he needed to retrieve his identification from it. This named officer asked the complainant if he had a shotgun in his car; the complainant said he didn't, offered to let the named officer search his car and provided his car keys. This named officer then searched the interior compartment of the vehicle and attempted to retrieve the complainant's identification from the glove box, where the complainant had indicated it was located, but could not open the glove box. The complainant then located his identification on his person. The complainant consented to the named officer searching the trunk of his car for a shotgun.

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DATE OF COMPLAINT: 11/06/09 **DATE OF COMPLETION:** 04/05/10 **PAGE# 2 of 5**
SUMMARY OF ALLEGATION #3-4 CONTINUED:

The second named officer stated that when he asked the complainant for his identification, the complainant said it was in the glove box of his car and gave permission for this named officer to retrieve it. This named officer searched the interior area of the complainant's car but could not open the glove box. This named officer did not recall whether the trunk of the complainant's vehicle was ever opened. A witness officer who detained the complainant confirmed the account of the two named officers and confirmed that the complainant consented to them searching his vehicle. Another witness officer, who was further away, stated that he recalled that the complainant and the complainant's acquaintance were upset that an officer was searching the complainant's car looking for his identification. A civilian witness who was detained at the scene stated that he saw three or four officers searching the interior area and the trunk of a car, and that he heard a man whose description matches that of the complainant tell the officers there was no reason for them to be searching his car. Attempts to contact an acquaintance of the complainant who was present at the scene were unsuccessful. No other civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officers inappropriately seized the complainant's property.

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

FINDINGS OF FACT: The complainant stated that officers seized several thousand dollars from the center console of his car and several thousand dollars from the trunk of his car. The complainant could not provide specific descriptions of the officers who he believes took his money and was unable to identify them when shown photographs of all officers who were present at the scene. Two officers who stated that they searched the complainant's car with his consent denied removing anything from his vehicle. A civilian witness who was detained at the scene stated that he saw three or four officers searching the complainant's car but did not see them remove anything from the vehicle. Attempts to contact an acquaintance of the complainant who was present at the scene were unsuccessful. No other civilian witnesses were identified. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the officers who searched his car intentionally damaged the interior of the car and the electronic key used to open the car. Two officers who stated that they searched the complainant's car with his consent denied damaging his property. Several officers who detained the complainant and several witness officers stated that the complainant appeared to be intoxicated. Attempts to contact an acquaintance of the complainant who was present at the scene were unsuccessful. No other civilian witnesses who were in proximity to the search of the complainant's car were identified. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7-8: The officer threatened the complainant

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

FINDINGS OF FACT: The complainant stated that two officers approached him threatened to arrest him and to have his car towed. The complainant could not specify which officer made these threats. The description the complainant provided of one of these officers matched that of the named officer, who stated that he contacted the complainant because he heard loud music coming from a vehicle parked on the sidewalk and observed the complainant and another man who both appeared to be intoxicated yelling loudly and using profanity. The named officer stated that he requested the complainant's identification, and when the complainant said he could not produce it, he told the complainant that he would be transported to the police station if he could not provide identification. This named officer denied threatening to have the complainant's car towed. Other officers who stated that they had contact with the complainant denied threatening to arrest him or to have his car towed. Several witness officers described the complainant as being intoxicated and of yelling and arguing in a loud and boisterous manner. A civilian witness who was detained at the scene stated that he heard officers tell the complainant they were going to impound his car but could not recall which officers said this. This civilian witness stated that he did not hear an officer threaten to arrest the complainant. Attempts to contact an acquaintance of the complainant who was present at the scene were unsuccessful. No other civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that an officer used unnecessary force on him by grabbing him and twisting his arms. The complainant could not describe or identify this officer. Officers who were present denied that any officer had any physical contact with the complainant. A civilian witness who was detained at the scene stated that he did not see any officer have any physical contact with the complainant. Attempts to contact an acquaintance of the complainant who was present at the scene were unsuccessful. No other civilian witnesses were identified. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officers used unnecessary force on an individual at the scene.

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

FINDINGS OF FACT: The complainant stated that officers used unnecessary force on an acquaintance of his when this individual asked the officers what they were doing. Attempts to contact this acquaintance were unsuccessful. A civilian witness who was detained at the scene stated that he saw several officers surround, push and punch a man whose description matches that of the complainant's acquaintance, but he could not describe or identify these officers. Officers who were present denied that any officer used any force on an individual at the scene. No other civilian witnesses were identified. There is insufficient evidence to identify the officers or to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/06/09 **DATE OF COMPLETION:** 04/05/10 **PAGE# 5 of 5**

SUMMARY OF ALLEGATION #11: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that an unidentified officer used profanity to an acquaintance of his at the scene. Attempts to contact this acquaintance were unsuccessful. A civilian witness who was detained at the scene stated that he heard everyone at the scene, including officers, use profanity, but could not describe or identify the officers who used profanity. No other civilian witnesses were identified. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #12: The officer failed to issue A Certificate of Release.

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

FINDINGS OF FACT: A civilian witness stated that he and a friend were sitting on a car when multiple officers traveling in vans stopped and detained him. An officer who the witness could not describe handcuffed him, obtained his identification and ran a check on him, then released him but did not issue him a Certificate of Release. Communications records indicate that an unidentified officer ran a wants and warrants check on this witness. No Certificate of Release issued to this witness could be located in Department records. An officer stated that he contacted this witness because he was walking up behind officers who were conducting an investigation yelling at them and reaching into his pockets. This officer stated that he checked this individual for weapons and obtained his name, but did not run a wants and warrants check on him. This officer stated that the individual was not handcuffed. A witness officer stated that this individual was handcuffed. Attempts to contact an acquaintance of the complainant who was present at the scene were unsuccessful. No other civilian witnesses were identified. The officers involved in this investigation either denied or gave conflicting statements/information about the handcuffing of the complainant. There is insufficient evidence to prove which officer handcuffed the witness or to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 04/08/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was stopped by a uniformed motorcycle officer and issued a citation for an unsafe lane change and no proof of auto insurance. The first named officer observed a vehicle make an unsafe lane change. The officer made a traffic stop of the complainant, for the vehicle code violations. The officer verified through police dispatch that the complainant's driver's license was suspended. The complainant was also cited for failing to provide proof of insurance.

The first named officer requested an officer assigned to the Traffic Offender Program to respond. The second named officer verified through police dispatch that the complainant's driver's license was suspended. The second named officer issued the complainant a citation for driving on suspended or revoked driver's license. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the first named officer would not provide any explanation or reason for requesting a second officer to respond to the traffic stop and issue him another citation. The complainant stated he told the second named officer the addresses of the citations were incorrect and that he resided in a different city. The complainant stated the second named officer told him that the police department did not mail out notices and he would have to contact the court for any court dates and appearances. The first named officer did not recall if he gave the complainant any explanation or reason for calling for a second officer. The first named officer stated he did not hear the conversation between the complainant and second officer. There was insufficient evidence to prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATION #5-6: The officers failed to make the required traffic stop data entry.

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

FINDINGS OF FACT: The named officers stated they turned in all of their respective documents and citations at the end of their shift to the Traffic Company Sergeant. The officers stated they completed their respective Traffic Stop Data Collection Worksheet and Citation Recap, Traffic Company Daily Activity Log, with copies of their citations issued that day were placed in the Traffic Company Sergeant's inbox. The officers stated they entered the E585 Data electronically at the Traffic Company designated E585 terminal at the end of their tour of duty. The San Francisco Police Department's Technology Division conducted an audit of the officers' entry without success. The evidence established the officers failed to enter the data electronically into the ICAD terminal using the E585 mask as mandated by Department Bulletin No. 08-268. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/13/09 **DATE OF COMPLETION:** 04/03/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was cooperating with the officer and arrested without reason. The named officer stated the store manager wanted the complainant out of her store, because the complainant was causing a disturbance. The officer told the complainant to leave and the complainant refused. The store manager wanted the complainant arrested for trespassing. The store manager signed the Citizen Arrest Form. The officer arrested the complainant for the trespassing charge and other additional charges. The complainant signed the citation and was released at the hospital for medical treatment. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he was cooperating with the officer and the officer grabbed him and threw him to the floor. The complainant stated the officers placed their knees on his back and ribs. The named officer stated he was the only officer at the scene when he made contact with the complainant. The officer ordered the complainant to place his hands behind his head and the complainant refused to comply. The officer grabbed the complainant's arm and the complainant pulled away from the officer's grasp. The officer grabbed the complainant's arm again and used approved take down techniques, the officer learned at the police academy. The complainant continued to wrestle and struggle with the officer on the floor. The officer handcuffed the complainant. The officer notified his supervisor of the use of force and the force was documented in department's use of force log. The officer noticed a laceration above the complainant's eye and summoned medical personnel to provide medical treatment to the complainant. The store manager did not see the complainant taken down to the floor. The surveillance video camera view of the officer engaging the complainant was blocked by a display stand. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/13/09 **DATE OF COMPLETION:** 04/03/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The complainant complained of tight handcuffs.

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

FINDINGS OF FACT: The complainant alleged that the handcuffs were unnecessarily tight. However, the complainant did not tell the officer the handcuffs were tight on his wrists. The officer stated he placed the handcuffs on the complainant; double locked the handcuffs and checked for degree of tightness. A witness, the store manager did not see the officer handcuff the complainant. The surveillance video camera view of the officer engaging the complainant was blocked by the display stand in the area where the officer handcuffed the complainant. No independent witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer told him to shut up twice, when he tried to explain the situation. The complainant stated he was cooperating with the officer and the officer grabbed him and threw him to the floor. The officer denies the allegation. The complainant used profanity towards the officer during the contact. The witness a store manager stated the officer acted in a professional manner throughout the contact with the complainant. No other witnesses came forward during the investigation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/23/09 **DATE OF COMPLETION:** 04/05/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officers threatened to shut his game and storage area down. The officers denied the allegations. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officers detained him without justification. The officers stated the encounter was consensual and denied they detained the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/23/09 **DATE OF COMPLETION:** 04/05/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers arrested individuals without cause.

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

FINDINGS OF FACT: The complainant stated the officers arrested two of his customers for no reason. The officers stated they arrested two people for multiple narcotics violations that were committed in their presence. The arrested individuals did not come forward. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/01/09 **DATE OF COMPLETION:** 04/28/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The investigation was unable to identify the officers.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/09 **DATE OF COMPLETION:** 04/19/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: In his initial complaint made to the Chief of Police, the complainant stated that the airport police officers “harassed” him and “snatched” his boarding pass, which caused him to miss his flight. The complainant provided three star numbers for the officers, who were present during this incident but no physical description. After his initial complaint, the complainant did not respond to the numerous OCC’s request for an interview in order to clarify the details of the occurrence. Two officers questioned in connection with the incident denied acting in the alleged manner. The Communications records showed that the complainant’s boarding of the flight was actually denied by the airline personnel. The available evidence was insufficient to name any specific officer and to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/09 **DATE OF COMPLETION:** 04/05/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer was rude.

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

FINDINGS OF FACT: By mutual agreement of the complainant and accused member, the complaint was mediated and resolved in a non disciplinary manner on March 29, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/09 **DATE OF COMPLETION:** 04/15/10 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated his vehicle was parked legally along the street curb, and that the officer towed it for no reason. The complainant admitted his vehicle lacked a smog certificate and its battery had been disconnected. The officer stated she towed the vehicle per California Vehicle Code section 22669(d), which reads in part, Motor vehicles which are parked, resting, or otherwise immobilized on any highway, or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield or any other equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety and welfare and may removed immediately upon discovery by a peace officer or other designated employee of the state, county or city. The officer completed a department tow sheet reporting the presence of debris and garbage in the front seat, a tire in the passenger seat, that the vehicle had no ignition starter. The preponderance of the evidence established that the basis for the towing of the vehicle was lawful and proper under current California statutes.

SUMMARY OF ALLEGATION #2: The officer failed to provide name and star number upon request.

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

FINDINGS OF FACT: The complainant alleged the officer did not provide her name or star number upon request. The named officer did not recall any contact or communication with anyone during this towing despite evidence suggesting there was some contact between the parties. A witness could not verify or deny the allegation. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/09 **DATE OF COMPLETION:** 04/15/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer would not explain her rationale to tow his vehicle, and taunted him regarding a citation and a report, which were never issued. A witness could not hear the conversations to either prove or disprove the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to provide required information.

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

FINDINGS OF FACT: The complainant stated the officer did not provide him a report number for the towing of his vehicle. The officer could not recall any contact with any civilian during this towing. The officer and a SFPD subject matter expert stated that there was no requirement to prepare an incident report for the towing of an inoperable vehicle since no arrest was made and no hold was placed on the vehicle. A witness could not verify or deny the allegation. The evidence established that since there was no required report, there was no report number to share with the complainant. Therefore, the officer's inactions were lawful and proper under the circumstances and current SFPD procedures.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/09 **DATE OF COMPLETION:** 04/15/10 **PAGE#** 3 of 3

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to write an incident report.

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

FINDINGS OF FACT: The evidence established that under current department policy and procedures, which were confirmed by a department subject matter expert, the officer was not required to prepare an incident report when the officer towed a vehicle without making an arrest or placing a hold on the vehicle. The complainant's vehicle was towed pursuant to Section 22669(d) of the California Vehicle Code, because it lacked an ignition starter and was therefore inoperable. The officer's inaction was lawful and proper.

SUMMARY OF OCC ADDED ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: The officer stated during two interviews that she did not recall any civilian around the vehicle towed or having any conversation with the complainant despite evidence that she made MDT two subjects' queries. A witness said she saw the complainant talking with a female officer, but could not hear their conversation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/09 **DATE OF COMPLETION:** 04/06/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with California Vehicle Code section 23123.

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

FINDINGS OF FACT: The complainant stated the officer was driving on the freeway talking on his cell phone without hands-free device. The officer admitted the allegation; however, the officer stated he was calling the station. California Vehicle Code section 23123(d) provides an exemption for emergency personnel using a wireless telephone while operating an authorized emergency vehicle in course and scope of their duties. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/09 **DATE OF COMPLETION:** 04/26/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer forcible detained the complainant's daughter 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 April 23, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/09 **DATE OF COMPLETION:** 04/08/10 **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 officer made inappropriate comments and displayed inappropriate behavior. The officer denied the allegations. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/10 **DATE OF COMPLETION:** 04/27/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for further information. An officer identification poll was sent to the station Captain and no officer was identified as having contact with the complainant. Three station officers responded to Member Response Forms and all three officers denied having contact with the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC request for further information. An officer identification poll was sent to the station Captain and no officer was identified as having contact with the complainant. Three station officers responded to Member Response Forms and all three officers denied having contact with the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/10 **DATE OF COMPLETION:** 04/28/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/10 **DATE OF COMPLETION:** 04/08/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a sworn member of the Department. This complaint has been referred to:

Internal Affairs
San Francisco Sheriff's Department
25 Van Ness Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/10 **DATE OF COMPLETION:** 04/26/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 2.01.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/10 **DATE OF COMPLETION:** 04/27/10 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer issued a citation without cause for violating CVC 22450(a).

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

FINDINGS OF FACT: The complainant stated he came to a complete stop for a stop sign. The officer and his partner stated they observed the complainant roll through the stop sign and not come to a complete halt. The officer then conducted a traffic stop on the complainant and issued a citation to the complainant for violating CVC 22450a. There were no witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer issued a citation without cause for violating CVC 23222(b).

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

FINDINGS OF FACT: The complainant was pulled over for allegedly running a stop sign. The officer and his partner both stated they smelled marijuana emanating from the vehicle. The officers searched the complainant and his vehicle. Marijuana was found on the complainant's person and in his vehicle. The complainant admitted that he had a small amount of marijuana in his possession. CVC 23222(b) states in relevant part that any person while driving a motor vehicle who has in their possession not more than one ounce of marijuana is guilty of a misdemeanor. The complainant did not provide the officers with either a prescription or a medical marijuana card. 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: 01/26/10 **DATE OF COMPLETION:** 04/27/10 **PAGE#** 2 of 4

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 allegedly running a stop sign. The officer and his partner both stated they smelled marijuana emanating from the complainant's vehicle. The officer stated the smell of marijuana provided him with the belief that the complainant had marijuana on him thus providing probable cause to search the complainant. During the search of the complainant, marijuana was seized from the complainant's person and from his vehicle. The complainant did not provide the officer with either a prescription or his medical marijuana card. 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 detained the complainant without justification.

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

FINDINGS OF FACT: The officer and his partner stated that a traffic stop on the complainant was conducted when they observed the complainant roll through a stop sign. The complainant stated that he came to a complete stop for the sign and that the officer had no reason to pull him over. No witnesses were identified to this contact. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/26/10 **DATE OF COMPLETION:** 04/27/10 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated he had a small amount of marijuana in his possession but that he had a medical marijuana card. The complainant and the officer both stated that the complainant did not have a medical marijuana card or prescription in his possession so the officer seized the marijuana and booked it as evidence of the complainant violating CVC 23222(b). The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act of seizing the marijuana was proper, justified and lawful.

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

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

FINDINGS OF FACT: The complainant stated that he felt the officer did not have the right to ask him if he was on probation or parole. The officer admitted that he asked the complainant if he was on probation or parole and said that he asks everyone that question. The officer's question to the complainant is within the policy and procedures of the San Francisco Police Department. The question asked by the officer does not rise to a level of misconduct as officers are trained to ask that or similar questions during police contacts. The evidence proved that the act that provided the basis for the allegation occurred, however, said act was proper and lawful according to current Department procedures.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/26/10 **DATE OF COMPLETION:** 04/27/10 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched his vehicle without consent or cause. The officer and his partner stated they smelled marijuana emanating from the complainant's vehicle during a traffic stop. The officer conducted a search of the complainant's vehicle based on the smell of marijuana emanating from the vehicle. The officer located marijuana inside the vehicle during the vehicle search. The complainant did not provide the officer with either a prescription or a medical marijuana card. The evidence showed that the act alleged occurred, however, said act was proper and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: