

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/05 **DATE OF COMPLETION:** 01/23/06 **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 officer stated, in pertinent part, "My probable cause for the traffic enforcement stop was seatbelt use violation." The complainant denied the allegation and said that he was wearing his seatbelt. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

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

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

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

SUMMARY OF ALLEGATION #4: The officer's enforcement was selective.

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

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

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SUMMARY OF ALLEGATION #5: The officer failed to comply with Department General Order 2.04.

CATEGORY OF CONDUCT: ND **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.

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 requested action.

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

FINDINGS OF FACT: The complainant asked the officer to take his side in a civil dispute, something the officer is restricted from doing. There is no duty the officer neglected. The conduct alleged did occur, however said conduct was proper and lawful.

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FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 & 2: The officers cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated several reasons in his interview why probable cause for the issuance of the citation existed. He was in a van parked on private property [a housing project parking lot] in a high crime area. It seems appropriate that the van would draw the officers' attention and they would approach to see what was going on with the vehicle. The complainant stated that marijuana had been smoked in the van earlier, so it is plausible that the officers could smell marijuana, giving the officers probable cause to search the van for contraband Marijuana under the automobile exception to the search warrant requirement, which the complainant admits was found in the van. The complainant was in control of the keys of the vehicle during the incident. Probable cause thus exists to cite him for possession of the marijuana. Probable cause also exists for the delaying charge in the citation, as the complainant admitted that he locked the van and threw the keys of the van away when the officers asked for the keys to do their plain- smell- authorized search. The officers were delayed while they looked for the keys. The act alleged did occur, however said act was proper and justified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was arrested after he assaulted another person in his friend's house and then fled from the scene. The complainant subsequently surrendered himself to SFPD. 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 incorrectly charged the complaint.

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

FINDINGS OF FACT: The complainant maintained he was erroneously charged with crimes connected to a domestic violence situation. The investigation concluded that the complainant was never charged with any matters pertaining to domestic violence. Additionally, the complainant alleged he was erroneously charged with felonies versus misdemeanors. The investigation concluded that while the complainant was charged with the more severe offense, it was a practice of SFPD and the District Attorney to review the charges before the charges go forward. The evidence proved that the acts, which provided the basis for the allegation, occurred: however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: The officer practiced selective enforcement in arresting the complainant.

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

FINDINGS OF FACT: The complainant maintained he was erroneously charged with crimes connected to a domestic violence situation and as a gay person he was treated differently than another city official in a similar situation. The complainant was never charged with matters regarding or connected to any allegations of domestic violence. Additionally there was no evidence discovered that would support the complainant's allegation that he was treated differently because he is gay. The evidence proved that the acts, which provided the basis for the allegation, occurred: however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The released confidential information regarding the status of the investigation to an unauthorized party.

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

FINDINGS OF FACT: The complainant stated he believed that confidential information regarding his criminal status had been exchanged between SFPD, SFSD and a Labor Representative. It is important to note the communication that was occurring between SFSD, SFPD and the Labor Representative had one goal in mind, to get the complainant into custody without incident and with as little discomfort and possible for the complainant. All three parties took extraordinary measures to insure this goal was reached. There is no evidence that anyone shared confidential information. There is on the other hand a large body of evidence that demonstrates that three persons worked closely to bring this matter to a safe conclusion with as little embarrassment to the complainant as possible. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #1: The officer failed to conduct a proper investigation.

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

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

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

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

FINDINGS OF FACT: The officer denied the allegation. The complainant, during his OCC interview made admissions regarding his culpability in the crime. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: The officer spoke to the co-complainant in a threatening manner.

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

FINDINGS OF FACT: The officer denied the allegation. 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 officers' behavior was inappropriate.

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

FINDINGS OF FACT: 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 cited the complainant without cause.

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

FINDINGS OF FACT: The officer stated that the complainant was provided an Incident Report number for this incident; the complainant was not cited. An officer at the scene also stated that the complainant was not cited. SFPD Records confirmed that the "citation" number provided by the complainant was actually an Incident Report number. The complainant was not cited and this allegation is unfounded.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant acknowledged that she was arguing with her boyfriend and that she had been drinking. The officers stated that they were dispatched to a complaint of a man and woman fighting. The officers stated that the complainant displayed several objective signs of intoxication and was detained for violation of Penal code 647(f.) The officers' conduct was proper and within Department guidelines.

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer touched her genitals, breasts and buttocks while conducting a search. The officer denied this allegation and stated that he conducted a Department-approved search of the complainant. The officer's partner confirmed the officer's statement. Another officer at the scene stated he did not see the search. There were no other available witnesses. There was insufficient evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The officer denied using profanity. Two officers at the scene stated that they did not hear the officer use profanity. There were no other available witnesses. There was insufficient evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that she heard an individual in the hallway of her hotel tell other tenants that she was a child molester. The complainant never saw the individual who made this statement, but assumed that it was a police officer. The complainant could not specify the date of this occurrence, and gave conflicting accounts of the time of day and the sex of the individual whose voice she heard. There is insufficient evidence to establish that the action complained of involved a member of the San Francisco Police Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainants withdrew their complaints.

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

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

FINDINGS OF FACT: The complainants withdrew their complaints.

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

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

FINDINGS OF FACT: The complainants withdrew their complaints.

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

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

FINDINGS OF FACT: The complainants withdrew their complaints.

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SUMMARY OF ALLEGATION #5: the officer failed to investigate.

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

FINDINGS OF FACT: The complainants withdrew their complaints.

SUMMARY OF ALLEGATION #6: The officer failed to obtain medical attention.

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

FINDINGS OF FACT: The complainants withdrew their complaints.

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

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

FINDINGS OF FACT: The complainants withdrew their complaints.

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 denied the allegation. The evidence presented by the officer, proved that the complainant was not in compliance with SFO Limousine regulations. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant gave him permission to search. However, the complainant stated he did not and a witness was unable to further clarify the matter. The evidence provided by the officer and the complainant's statements, showed there was sufficient evidence to search the complainant's vehicle regardless of consent. The evidence proved that the alleged act occurred, however, said act was appropriate based on the circumstances and was lawful and proper.

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

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

FINDINGS OF FACT: The officer denied making the comments as represented by the complainant but did acknowledge making comments as a statement of fact based on his questioning of the complainant and the complainant's responses. When seen in the totality of the situation, the officer's comments were appropriate.

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

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

FINDINGS OF FACT: The officer denied the allegation and statements made by the complainant indicate there was no damage to his property as initially represented. The evidence proved that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction and is referred to:

San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer entered a residence 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 displayed an intimidating manner.

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

FINDINGS OF FACT: The named officer denied the allegation. Two witness officers denied observing any intimidating behavior but both said they were not present for the entire contact between the named officer and the complainant. Two other witnesses denied hearing any intimidating behavior. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. Two witness officers denied hearing any inappropriate comments by the named officer but said they were not present for all contact between the complainant and the named officer. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3, #4: The officers entered the apartment without permission.

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

FINDINGS OF FACT: The named officers denied the allegations, saying that they entered the apartment in their investigation of an alleged violent crime, and in preparation for transporting the presumed suspect. One witness officer and another witness confirmed that a party to a dispute told the named officers the complainant had committed a crime. The evidence proved that the acts that provided the basis of the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #5: The officer inappropriately seized property from the complainant's apartment.

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

FINDINGS OF FACT: The complainant alleged that the named officer improperly removed from her apartment a bag of clothing that she acknowledged belonged to an acquaintance. The named officer denied the allegation, stating that he returned the clothing to its owner after the complainant indicated to the officer that the clothing belonged to the acquaintance. Two witness officers said they did not see the named officer remove the clothing, but said they saw the named officer return it to its owner. There were no other witnesses. The evidence proved that the acts that provided the basis of the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #6, 7: The officers failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The named officers denied the allegations. A witness officer and two other witnesses denied hearing the complainant make a request for a citizen's arrest. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #8, #9: The officers failed to properly investigate an incident.

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

FINDINGS OF FACT: The named officers denied the allegations, stating that they did not hear the complainant raise issues of an attempted forced entry, and said that they saw no indication of attempted forced entry. A witness officer denied hearing any conversation by the complainant. A witness who said he reported the incident as an attempted burglary said no officers interviewed him regarding the incident. One named officer said that he spoke briefly to a man on the scene, asked him to stay and that the man left the scene before the officer returned to interview him. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATION #10: The officer wrote an inaccurate and incomplete Incident Report.

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

FINDINGS OF FACT: The named officer and two witness officers denied the allegations, stating that they did not hear the information the complainant stated should have been in the report. On another alleged inaccuracy, the named and a witness officer stated that the allegedly inaccurate statement in the report was accurate. The officers on the scene said the report accurately reflected their understanding of the incident, although each said he had not witnessed all of the actions that occurred during the incident. Two other witnesses said they did not hear or observe any of the information the complainant stated should have been included in the report. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

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SUMMARY OF ALLEGATIONS #7-9: The officers searched the complainant's car without cause.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

SUMMARY OF ALLEGATIONS #10-12: The officers searched the complainant's motel room without cause.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

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SUMMARY OF ALLEGATIONS #13: The officer had the complainant's car towed without cause.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

SUMMARY OF ALLEGATIONS #14: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

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SUMMARY OF ALLEGATIONS #15-16: The officers made inappropriate comments and displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

SUMMARY OF ALLEGATIONS #17: The officer made a sexual slur.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

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OCC ADDED ALLEGATIONS

SUMMARY OF ALLEGATIONS #1: The officer failed to log the use of force.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

SUMMARY OF ALLEGATIONS #2: The officer wrote an incomplete Incident Report.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information/evidence to further the investigation.

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SUMMARY OF ALLEGATION #1: The officer made inappropriate comments

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

FINDINGS OF FACT: The complainant did not provide sufficient information about the occurrence so that the OCC could identify and question the involved officer. The complainant also did not give any contact information about herself that made it impossible for this agency to contact and interview her directly.

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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: **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to San Francisco Sheriff's Department Division.

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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: **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This allegation has been referred to the San Francisco Sheriff's Department, Internal Affairs Division/Attn: Lt. Al Kennedy.

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 room without justification.

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

FINDINGS OF FACT: The officers admitted entering the complainant's room after receiving a call from the Department of Emergency Communications (ECD) for an "unknown" type of complaint. The caller was female and she had hung up on the ECD dispatcher at least twice. The officers stated that they responded to the caller's address to check on her well-being. The caller was the complainant. The officers stated that upon their arrival, they found that the complainant was "belligerent" and had a male companion in her apartment. The officers stated they made a "brief visual inspection" to verify that the complainant and her companion were safe. The Office of Citizen Complaints made attempts to contact witnesses on scene but was unsuccessful in reaching them. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The officers admitted handcuffing the complainant. They stated that based on their training and experience, she was "intoxicated" and "physically demonstrative" towards them. They stated that as soon as they had assured themselves that there was no danger to her, her companion or themselves, they released her. The Office of Citizen Complaints made attempts to contact witnesses on scene but was unsuccessful in reaching them. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATIONS #5-6: The officers ran a background check on the complainant without justification.

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

FINDINGS OF FACT: The officers were dispatched by ECD to the complainant's residence and came to the door of a person unknown to them to check on that individual's wellbeing. The complainant had called 911 from her phone line, where she had hung up at least twice on the ECD dispatcher. She opened the door and was allegedly belligerent and intoxicated and accompanied by another intoxicated individual. For officer safety purposes, the officers had the right to make inquiries into the complainant's background of the complainant for their safety, as well as her own.

SUMMARY OF ALLEGATIONS #7-8: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the officers damaged a filing cabinet in her apartment. The officers denied the allegation. There was no information available as to the cabinet's condition prior to the officers' entry and after their entry. The Office of Citizen Complaints made attempts to contact witnesses on scene but was unsuccessful in reaching them. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #1: The officers used excessive force in the arrest of the complainant's brother.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/19/06 **DATE OF COMPLETION:** 01/26/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from OCC investigation.

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from OCC investigation.

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SUMMARY OF ALLEGATION #3: The officer exhibited inappropriate behavior and made inappropriate and threatening comments.

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from OCC investigation.

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 the scope of OCC's jurisdiction.

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

FINDINGS OF FACT: This complaint raises matters outside the scope of OCC's jurisdiction and is forwarded for further investigation to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The named member denied the allegation. Witnesses identified also denied the allegation, there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was the subject of a lawful arrest. The officer's conduct was procedural and consistent with department procedures.

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

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

FINDINGS OF FACT: Department records show that the complainant had been admonished on two prior occasions to comply with the law. There is no dispute that the complainant had violated the law, hence the arrest was lawful, justified and proper.

SUMMARY OF ALLEGATION #4: The officer used profane language.

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

FINDINGS OF FACT: The officer denied the allegation. Identified witnesses either denied the allegation or did not hear the alleged profanity.

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SUMMARY OF ALLEGATION #5: The officer failed to provide the Miranda admonishment.

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

FINDINGS OF FACT: There was no obligation to Mirandize and the officer stated that the complainant was not questioned.

SUMMARY OF ALLEGATION #6: The officer failed to inform the complainant of the charges for the arrest.

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

FINDINGS OF FACT: The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer used excessive force while in custody.

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

FINDINGS OF FACT: The officer denied the allegation. Identified witnesses denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer failed to notify a superior officer of the use of force.

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

FINDINGS OF FACT: The officer denied that no reportable force was used at any point during the police encounter. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer failed to provide prompt medical treatment.

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

FINDINGS OF FACT: The officer denied that no reportable force was used at any point during the police encounter. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers were investigating a noise complaint and asserted that entry into the gated area of the residence was open to the public. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was detained because he was driving with expired registration tags and because he was a person of interest in an ongoing police investigation. In addition, the officers were investigating a shooting and were en route to the complainant's residence to conduct a parole search at the time of the detention. The detention was justified.

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

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

FINDINGS OF FACT: After initiating a valid vehicle stop, the complainant was handcuffed pursuant to a parole search of his vehicle. He was subsequently transported to his residence, where a parole search was conducted. The handcuffing was justified.

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SUMMARY OF ALLEGATIONS #5-10: The officers searched the residence without cause.

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

FINDINGS OF FACT: Although the complainant had a parole search condition, there is a question regarding the scope of the parole search. Although there is a Permission to Search Form allegedly signed by the owner of the residence which purported to give officers permission to search the entire residence, there is a significant question about the authenticity of the signature on the form. There is a possibility that officers relied on information and belief, that the form influenced the scope of their search. There is insufficient evidence to know to what extent, if any, the officers' conduct was influenced by their belief that the owner of the residence had signed a written permission form.

SUMMARY OF ALLEGATION #11: The officer searched beyond the scope of the parole condition.

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

FINDINGS OF FACT: The officer said that after hearing the co-complainant grant permission to search his home, he proceeded to enter and search a front bedroom. The co-complainant said he only gave officers permission to search a different room, which was located in the back of the house. The front bedroom was identified as that of another member of the home, not the parolee. There is a question regarding the authenticity of the Permission to Search Form and the possibility that misrepresentations were made regarding the co-complainant having given officers permission to search the entire home. There is insufficient evidence to know to what extent, if any, the officer's conduct was influenced by his belief that the owner had signed a written permission form.

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SUMMARY OF ALLEGATIONS #12-14: The officers searched beyond the scope of the condition.

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

FINDINGS OF FACT: The officer's search of the parolee, his place of residence and his things was within the scope of the parole condition.

SUMMARY OF ALLEGATION #15: The officer searched beyond the scope of the condition.

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

FINDINGS OF FACT: The officer was advised that the bedroom in question was under the exclusive use and control of a co-occupant of the residence, not the parolee. There was no evidence or reason to doubt the truthfulness of this information. The officer used coercion, duress and intimidation to obtain consent to search the bedroom, thereby invalidating said consent. In addition, although the officer purported that the owner of the residence signed a Permission to Search Form, the signature on the form has come into question after having been examined by the OCC and a forensic document expert. By a preponderance of the evidence, the allegation is sustained.

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SUMMARY OF ALLEGATIONS #16-18: The officers seized personal property without justification.

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

FINDINGS OF FACT: Two of the officers said they heard the co-complainant grant permission to search the home. The complainant and co-complainant said they only gave officers permission to search one bedroom in the house. Several items were removed from a second bedroom in the home identified as that of another co-occupant of the home, not the parolee. There is a question regarding the authenticity of the Permission to Search Form and the possibility that misrepresentations were made regarding the co-complainant having given officers permission to search the entire home. There is insufficient evidence to conclusively justify whether the seizure of items removed from the home was proper.

SUMMARY OF ALLEGATIONS #19 and 20: The officers misrepresented the truth.

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

FINDINGS OF FACT: The officers said in their incident report and during their two separate OCC interviews that they personally witnessed the co-complainant sign his name to the Permission to Search Form. The co-complainant denied ever signing a Permission to Search Form and noted that his name was misspelled.

The authenticity of the Permission to Search Form submitted as evidence has come into question after having been examined by the OCC and a forensic document expert.

The misrepresentation of material facts involving a police investigation reflects discredit upon the member and the department and is prejudicial to the efficiency and discipline of the department in violations of the Department General Orders. Moreover, the SFPD Department General Orders require that members, when questioned by the OCC, answer all questions truthfully. By a preponderance of the evidence, the allegation is sustained.

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OCC ADDED ALLEGATION

SUMMARY OF ALLEGATION #1: The officer failed to prepare an accurate and complete report.

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

FINDINGS OF FACT: The authenticity of the Permission to Search Form submitted as evidence has come into question after having been examined by a forensic expert. The officer accepted the form from another officer and included it as evidence in his incident report. The officer said he believed the form was signed when it was given to him. There is insufficient evidence to prove whether or not the form was signed when received by the officer.

SUMMARY OF ALLEGATION #2: The officer failed to prepare an accurate and complete report.

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

FINDINGS OF FACT: The officer caused to be submitted into evidence as an attachment to the report a Permission to Search Form. The authenticity of the Permission to Search Form has come into question after having been examined by a forensic expert. The SFPD Report Writing Manual requires that officers prepare accurate and objective accounts of an incident. A misrepresentation of facts and evidence contained in or submitted by an officer for inclusion in a police report violates the letter and the spirit of the rules. By a preponderance of the evidence, the allegation against the officer is sustained.

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

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

FINDINGS OF FACT: The complainant stated the officer forcefully pulled her by the arm out of her vehicle while she was wearing the shoulder harness. The officer denied the allegation. The witness did not see the use of force. The witnesses did not make themselves available to clarify the facts of the allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officers should not have searched her car. The officers stated they observed the complainant in a suspected narcotics transaction, detained her, and determined that the complainant had an active warrantless search condition. The officers' conduct was proper.

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SUMMARY OF ALLEGATIONS #4-5: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers laughed at her and her sister, that the officers displayed the complainant's criminal record to the complainant, and the officers commented that a drug transaction was "nothing new" to the complainant. The witnesses did not make themselves available to clarify the facts of the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint. The officers denied the allegation that they laughed at the complainant, her sister or displayed criminal history information.

SUMMARY OF ALLEGATIONS #6-7: The officers refused to thoroughly investigate.

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

FINDINGS OF FACT: The complainant stated the officers refused to locate an individual whom they claimed they saw participating in a drug transaction with the complainant. The officers stated they were unable to pursue the other suspect for officer safety reasons, because there were two suspects in custody and two officers at the scene. There was insufficient evidence to determine whether or not the officers could have pursued the other suspect.

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SUMMARY OF ALLEGATIONS #8-9: The officers failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated her sister was not issued a Certificate of Release when she was released from the station. The complainant's sister stated she did not receive a Certificate of Release. The officers stated Certificate of Release Forms was issued to the complainant and her sister. Certificates of Release for both the complainant and her sister appear in San Francisco Police Department. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-11: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officer seized money from her and her sister, and then told them that they would not get their money back unless they provided information regarding narcotics transactions. The officers denied the allegation. There were no other witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #12-13: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated her sister left her purse in the vehicle, which was parked and locked by the officers. The complainant stated that, upon their return, her sister was missing money from her purse. The officers stated they did not take the complainant's sister's cash from her purse. The officers stated her vehicle was locked and parked on the street. The officers issued a property receipt for the complainant's property, including money, seized as evidence. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers had the residence where the complainant stayed under surveillance for narcotics trafficking. The officers obtained a warrant in order to search the residence and made entry. The complainant was one of the persons located inside the residence at the time of entry and detained by the named officers. The officers detained the complainant during their search. The officers also detained the complainant at the Hall of Justice in order to further investigate. When they learned he was not involved, he was released.

SUMMARY OF ALLEGATIONS #5-8: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The officers had the residence where the complainant stayed under surveillance for narcotics trafficking. They had previous knowledge that the residence had continuous pedestrian traffic for the sale of narcotics. Based on their previous experience as narcotics enforcement officers, the officers reasonably believed that the occupants of the residence could be armed. The officers obtained a search warrant and had the authority to make entry by force, if necessary. The officers had knowledge that one of the residents inside was a narcotics dealer and had probable cause to believe that their entry presented an officer safety risk. The officers were justified in drawing their service weapons prior to entry, upon entry, during their search of the premises and its occupants, until the house was secured.

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

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

FINDINGS OF FACT: Although the complainant stated in his interview that the witness did not see the officer strike him, the OCC attempted to contact the witness, without success. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #10: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: Although the complainant stated in his interview that the witness was not present, the OCC attempted to contact the witness, without success. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATIONS #11-14: The officers entered the residence without cause.

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

FINDINGS OF FACT: The officers stated that they utilized proper knock and notice procedures prior to utilizing a battering ram to make entry. They stated they used a battering ram because they heard “voices” behind the door and feared that the occupants would destroy evidence. The complainant stated that he was “asleep and incoherent” prior to the officers’ entry. The OCC attempted to contact the witness, without success. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #15: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The Office of Citizen Complaints sought and received a copy of the search warrant applied for and authorized by the Superior Court for the City and County of San Francisco for the complainant’s address. The search warrant was specific as to probable cause, time and place of execution, and items sought for seizure. Some of the items specified in the search warrant were found in the residence in question. The warrant stated that there could be persons inside the house associated with narcotics trafficking. The warrant was properly returned and filed with the San Francisco District Attorney’s office, as required by law. The complainant was inside the residence during the officer’s execution of the warrant in question. Based on the probable cause statement of the search warrant and officer safety, the officer had the legal right to search all persons inside the residence, including the complainant.

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SUMMARY OF ALLEGATION #16: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT : The complainant, as an occupant of a residence under surveillance and known to be part of a narcotics trafficking operation. He was detained in handcuffs, when officers made entry to search the residence for narcotics and evidence of narcotics trafficking. The named officer handcuffed him for officer safety purposes while he and the other officers conducted the search. He was subsequently released, per Penal Code Section 849b and issued a Certificate of Release, as required by the Department General Orders.

SUMMARY OF ALLEGATION #17: The officer handled his firearm in an unsafe manner.

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

FINDINGS OF FACT : The complainant alleged that the officer mishandled his service weapon and negligently touched his face with it. The officer denied the allegation. Although the complainant stated in his interview that the witness was not present, the OCC attempted to contact the witness, without success. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to report or record his use of force.

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

FINDINGS OF FACT : The complainant had alleged that the officer had slapped him. The officer's alleged use of force, while recordable, was not observed by the witness. There was insufficient evidence to prove or disprove the underlying allegation of unnecessary force made by the complainant. The OCC added allegation is not sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT :

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

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

FINDINGS OF FACT: The complainant and the co-complainant alleged the officer arrested the co-complainant without cause. The officer denied the allegation, stating that the co-complainant was under arrest for charges regarding a separate case. According to the co-complainant, counsel for his defense, the co-complainant was not charged with a new offense. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant and the co-complainant alleged that the named officer misused his authority by (1) arresting the co-complainant during the course of his preliminary hearing, in violation of a state statute, (2) interrogated the co-complainant on charges for which he was already represented by counsel, in violation of the Sixth Amendment of the United States Constitution, and (3) ignored the co-complainant's request for counsel as well as the complainant's requests to assert her client's constitutional rights, in violation of the Sixth Amendment of the United States Constitution. The Office of Citizen Complaints found evidence to substantiate this allegation. The OCC found that the officer committed each of the acts complained of by the complainant and the co-complainant. The OCC found that the officer received training with regard to the acts complained of by the complainant and the co-complainant. Therefore, the allegation is sustained.

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

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

FINDINGS OF FACT: The complainant failed to provide additional required evidence. The named officer, questioned regarding the complainant's initial written complaint, denied the allegations.

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

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

FINDINGS OF FACT: The complainant failed to provide additional required evidence. The named officer, questioned regarding the complainant's initial written complaint, denied the allegation.

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

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

FINDINGS OF FACT: The complainant failed to provide additional required evidence. The named officer, questioned regarding the complainant's initial written complaint, denied the allegations.

SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant too tightly.

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

FINDINGS OF FACT: The complainant failed to provide additional required evidence. The named officer, questioned regarding the complainant's initial written allegation, denied the allegations.

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SUMMARY OF ALLEGATION #5: The officer used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant failed to provide additional required evidence. The named officer, questioned regarding the complainant's initial written complaint, denied the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to take proper care and maintain proper control of a prisoner.

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

FINDINGS OF FACT: The complainant failed to provide additional required evidence. The named officer, questioned regarding the complainant's initial written allegation, denied the allegation.

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DATE OF COMPLAINT: 02/23/05 **DATE OF COMPLETION:** 01/23/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to conduct a proper and timely investigation.

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

FINDINGS OF FACT: The complainant stated that the officer did not obtain documents necessary to complete a thorough investigation. The named officer denied the allegation, stating that he had obtained all documents available during his investigation and that he made efforts to get the documents the complainant cited. Department records indicate the officer made an effort to receive documents, but the officer acknowledged receiving some documents that were not reflected in the investigation. The officer did not recall when he obtained the documents. The officer denied failing to conduct a thorough investigation because of a previous relationship with a party to the complainant's dispute. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that at the time of his active investigation, he had no evidence of forgery by the registered owner of a vehicle, and thus released the vehicle to the owner. The named officer, however, conceded receiving documents that indicate a possible forgery, but the officer did not recall when he received the documents. Two witnesses could not be reached by the Office of Citizen Complaints. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: According to the complainant, the officer said that he would arrest him if the hotel management did not agree to the complainant's staying at the hotel after the move-out date. The officer stated to the OCC that he merely advised the complainant that the latter should call for police stand-by if he was going to collect his belongings so that he would not be involved in trespassing. The relevant department records showed that the hotel management placed this call for police assistance in connection with the complainant "trespassing" at his former residence. Under the circumstances of this incident, an officer could warn the complainant about law enforcement actions, including arrest, if the property management pressed the trespassing charges against the complainant. Despite the officer's denial that we threatened the complainant, the advisement would have been warranted and proper under the circumstances.

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

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

FINDINGS OF FACT: The named member denied the allegation. There were no witnesses to this police contact. The evidence obtained by the OCC was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to take a report of a crime.

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

FINDINGS OF FACT: The complainant stated that he informed the officer about some of his belongings being “missing” from his residential hotel room after the move-out date. The officer denied that the complainant said anything about his property being missing or requesting a police report regarding the matter. A settlement agreement between the complainant and the management of the residential hotel showed that the complainant agreed that any property left in his former room after the move-out date would be considered refuse. The hotel manger who was present during the complainant’s contact with the officer, was no longer working in this capacity and he became unavailable for OCC interview. The property manager of the hotel told the OCC that the complainant indeed left significant amount of “garbage” in his room after vacating, which the hotel had to dispose of. Given the complainant’s prior consent that any property left in his former residence would be considered “refuse” and of “no value,” the removal of those items by the hotel management did not constitute a crime but a civil dispute between the involved parties that did not require a police report on the part of the responding officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was the recent victim of a purse snatching and assault. She called police to report the incident. When the named officer arrived to take the report, she was on the phone at the time. She stated that the officer yelled at her to get off the phone, or words to that effect. The complainant stated that the exchange occurred more than once and the officer threatened to leave. The complainant alleged that the officer yelled at her mother-in-law. The officer denied the allegation, stating that when he arrived, the complainant was on the phone, that he asked her politely to get off, but she would not. The witness did not recall the entire transaction. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The officer was not involved in the acts alleged.

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SUMMARY OF ALLEGATION #1: The officer failed to write an Incident Report on criminal activity reported to him by the complainant.

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

FINDINGS OF FACT: The named officer denied having contact with the complainant, and denied that the complainant asked him to write an Incident Report. There were no witnesses identified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated that the complainant was not free to go until he paid the fare that was the subject of a dispute between the complainant and a taxi driver. The complainant acknowledged that the fare was in dispute and he had not paid it. The officers properly detained both parties until the matter was resolved.

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

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

FINDINGS OF FACT: The complainant stated that the officer directed that he be detained at the county jail on a public intoxication charge even though he was not drunk. The officer stated that the complainant exhibited signs of inebriation and was confrontational with everyone to the point where he believed the complainant was unable to care for himself. There were no objective tests given to determine the complainant's blood alcohol level. There were no civilian witnesses to the complainant's behavior with the officer. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4-5: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officers were inappropriate to him in their behavior and comments. The officers denied the allegation. No civilian witness was in a position to hear and see all interaction between the officers and the complainant. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6-7: The officer issued invalid orders.

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

FINDINGS OF FACT: The complainant stated that the officers told him he had to go home. The officers denied that they ordered the complainant to go home. They said they told the complainant he was free to go home once he had paid the fare that was the subject of the dispute they were investigating. No civilian witness was in a position to hear and see all interaction between the officers and the complainant. there was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer grabbed him by the throat and pinned him against a bus shelter. The officer denied the allegation, stating that, for reasons of his safety, he put a hand up to the complainant's chest at one point to keep him from moving closer. A civilian witness, told the police he did not see the officer use the force described. It was not proven that the witness was able to see and hear the entire interaction between the officer and the complainant. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9-10: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that other officers stood by and said and did nothing to stop an officer from using force against him. The officers denied seeing anyone use force at the scene. There was no known witness to the entire interaction between the officer and the complainant. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11-13: The officers failed to thoroughly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers failed to take steps to establish that he had been overcharged by the taxi driver and, instead, insisted that he pay an amount he did not owe. Initial officers at the scene stated that they told the complainant to pay the fare and to make his complaint to the taxi company or taxi detail of the police department. They stated they took his statement, the driver's statement, and checked the amount shown on the fare box. Another officer called to the scene later stated that the complainant was uncooperative in describing where and how force was allegedly used against him. There was no civilian witness to their conversation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer discouraged the filing of an OCC complaint.

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

FINDINGS OF FACT: The complainant stated that the officer tried to discourage him from filing a complaint against an officer who used force against him when he spoke with the officer on the phone, at the scene, and again at the station. The officer stated that he never spoke with the complainant on the phone and denied that he ever tried to discourage him from filing a complaint. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #15: The officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant stated that the officer had him taken to the county jail on a public intoxication charge because he persisted in making a complaint against another officer. The officer denied the allegation and stated that the complainant displayed behaviors consistent with intoxication and demonstrated an inability to safely care for himself. There were no objective tests given and insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer failed to obtain the complainant's permission before taping their conversation.

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

FINDINGS OF FACT: The complainant stated that the officer taped their conversation at the station without asking or receiving his permission. The officer acknowledged that he did not ask the complainant's permission. He said that the tape recorder was on the table between them, in plain sight. The officer stated that he was not required to get the complainant's consent. The California Penal Code and subsequent case law establish that it was improper for the officer to tape without permission since the investigation was a matter of internal discipline and was not part of a criminal investigation. The Department's policy on taping statements should be revised to conform to the Penal Code.

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SUMMARY OF ALLEGATION #17: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer threatened him with physical harm. The officer denied making any threats. No civilian witness was in a position to hear everything said between officers and the complainant. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to report the use of force.

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

FINDINGS OF FACT: The officer stated that he did not report using force because he did not use force. There was insufficient evidence to prove that force was used, and therefore, to establish whether or not force should have been reported.

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SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to log the use of force.

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

FINDINGS OF FACT: Although the complainant complained that force had been used and stated he had pain, the officer investigating found no evidence of force used or any sign of injury. The complainant declined medical treatment. The officer was not required to make a use of force entry based only on the complainant's allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer stated that a reliable informant told them that the complainant's husband, who was on probation and parole with active search conditions, was engaged in illegal narcotics and gun dealing. The officers ordered and carried out a detention and search of complainant's husband for this reason. The officers provided no verification of the information on which they relied as justification for detaining the individual. There is, therefore, insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The investigation established that the complainant's husband had a controlled substance on his person when he was detained, and that he was on active parole and probation at the time. Contraband seized from an apartment where the individual received mail and had some of his possessions, plus that found on his person, provided the supervising officer with probable cause for the individual's arrest.

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SUMMARY OF ALLEGATION #5: The officer improperly searched the complainant's husband.

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

FINDINGS OF FACT: Although the investigation established that the complainant's husband was on probation and parole, with an active search condition at the time of the incident and was, therefore, subject to search at any time, the officer, during the search, seized keys from his pocket and turned them over to other officers to use in entering the complainant's residence. The complainant's property could properly be booked as property or returned to him. but it was a violation of his rights to seize his property and use it as the officers acknowledged was done.

SUMMARY OF ALLEGATION #6-7: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The officers stated that a reliable informant reported that the complainant's husband was dealing drugs and weapons from her apartment. The individual was seen entering and leaving the apartment by the officers. The investigation established that the complainant's husband had an active search condition. The officers acknowledged that they used a key taken from the complainant's husband to open her apartment door, and in her absence, enter and conduct a search. Because the officers unlawfully obtained the key and unlawfully used it in this manner, the entry into complainant's residence was an unlawful entry.

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SUMMARY OF ALLEGATION #8: The officer inappropriately seized property from the complainant's residence.

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

FINDINGS OF FACT: The complainant stated that officers who entered and searched her apartment in her absence seized photographs of her wearing a negligee, for no law enforcement purpose. The officers denied that they saw or seized any photographs, and no photographs were listed in the report of the incident. There was insufficient evidence to prove or disprove the allegation or identify any officer who might have seized the items.

SUMMARY OF ALLEGATION #9: The officer left the complainant's residence in disarray.

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

FINDINGS OF FACT: The complainant stated that the officers unnecessarily disrupted her possessions during a search of her apartment, and left it in disarray. The officers stated that they conducted a thorough search, taking clothes from closets and removing drawers, as necessary, but did not unnecessarily "trash" the premises. They also stated that rooms were in disarray when they arrived, and that they do not have to return the premise to the condition in which they found it. There was insufficient evidence to prove or disprove the allegation or to identify officers who were responsible.

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SUMMARY OF ALLEGATION #10-11: The officers harassed the complainant's husband and son.

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

FINDINGS OF FACT: The complainants stated that their husband and son are being harassed because he is on parole. One officer named by a complainant stated that he had only one contact with the complainant, when he assisted in a parole search of her residence, which was the official address of her son, and further stated that he had never met her son. Other officers involved in the incident denied any harassment and said any contacts made with the individual were based on arrest situations for which they had cause. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11-12-13: The officers entered the complainant's residence on three occasions without cause.

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

FINDINGS OF FACT: The complainant stated that the officers entered her residence three times without cause. The investigation established that her residence is the address of record for her son who is on active parole/probation with a search condition, and that one entry was to conduct a parole search with parole agents. The complainant stated that she heard noise and opened the door to the police on that occasion. The dates of other searches were not determined. An officer she named, who acknowledged he entered on one occasion, denied he had been at her residence at any other time. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #13-15: The officers searched the complainant's residence on three occasions without cause.

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

FINDINGS OF FACT: The complainant stated that the officers came in and searched her residence three times without cause. The investigation established that her residence is the address of record for her son who is on active parole/probation with a search condition, and that officers conducted a parole search with parole agents on one occasion. The dates of other searches were not determined. An officer she named, who acknowledged he conducted one search, denied he had been at her residence at any other time. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #15-16-17: The officers intentionally damaged the complainant's property during searches on three occasions.

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

FINDINGS OF FACT: The complainant stated that the officers came in and searched her residence three times without cause, damaging her property each time. The investigation established that a ceiling tile was damaged during one search and that the damage was properly photographed and documented as required by SFPD regulations. The officers stated that the damage had been accidentally done when they were gaining access to search the overhead attic area. The dates of other searches were not established. No documented damage to any property on other occasions was found. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer's remarks to the complainant were inappropriate.

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

FINDINGS OF FACT: The complainant alleged that the officer erroneously told him that a pedestrian hit by his vehicle had died. The officer acknowledged that she had been misinformed and had told the complainant that the pedestrian had died. The officer who took charge of the investigation stated that the officer inappropriately divulged the information to the complainant and that, accurate or inaccurate, it interfered with his timely investigation. Department regulations prohibit members from divulging information or engaging in conduct that might compromise an investigation of a criminal offense. The allegation is therefore sustained.

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 come to the aid of the complainant.

CATEGORY OF CONDUCT: ND **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.

SUMMARY OF ALLEGATION #2: The officer failed to receive a private person's arrest.

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

FINDINGS OF FACT: The complainant stated that she was assaulted, and that the police failed to take any action against the suspect. The initial officer on the scene stated that he called for another unit to handle the situation because he had to supervise a D.U.I. checkpoint. The named officer stated that he was instructed by the initial officer on the scene to simply provide the complainant with the CAD number. The named officer stated that the initial officer had already determined that there was no merit to the complainant's allegation against the suspect. The initial officer on the scene could not recall specific details about his conversation with the named member. There were no other witnesses identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to complete an Incident Report.

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

FINDINGS OF FACT: The complainant stated that she was assaulted, and that the police failed to take any action against the suspect. The initial officer on the scene stated that he called for another unit to handle the situation because he had to supervise a D.U.I. checkpoint. The named officer stated that he was instructed by the initial officer on the scene to simply provide the complainant with the CAD number. The named officer stated that the initial officer had already determined that there was no merit to the complainant's allegation against the suspect. The initial officer on the scene could not recall specific details about his conversation with the named member. There were no other witnesses identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to provide medical assistance to the complainant.

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

FINDINGS OF FACT: The officer could not recall the complainant telling him that she was injured. The officer stated that he did not see any injuries on the complainant. There were no other witnesses identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer was inattentive to his duties.

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

FINDINGS OF FACT: The basis for this allegation is that the officer failed to properly complete the Reportee Follow-up form. While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted a sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to the complainant or others).

SUMMARY OF ALLEGATION #6-7: The officers spoke rudely and inappropriately to the complainant.

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

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

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SUMMARY OF ALLEGATION #8: The officer failed to provide the complainant with her name and star number upon request.

CATEGORY OF CONDUCT: ND **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.

SUMMARY OF ALLEGATION #9-10: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that she was assaulted, and that the police failed to take any action against the suspect. One of the named officers, the initial officer on the scene, stated that he called for another unit to handle the situation because he had to supervise a D.U.I. checkpoint. The other named officer stated that he was instructed by the initial officer on the scene to simply provide the complainant with the CAD number. This officer also stated that the initial officer had already determined that there was no merit to the complainant's allegation against the suspect. The initial officer on the scene could not recall specific details about his conversation with the named member. There were no other witnesses identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant admitted running along with other unknown juveniles from a known unmarked police vehicle, because they got scared. After all juveniles stopped, the complainant further admitted fleeing from officers as a marked vehicle was arriving on scene. The officer and another officer on scene stated that the complainant was arrested for resisting, delaying, obstructing his duties because after all the juveniles stopped running, the complainant yanked his arm from the officer's grasp and fled from the area prompting a chase. OCC attempts to identify and interview other juveniles on scene were unsuccessful. There is sufficient evidence from the statements gathered to establish that the complainant violated Section 148(a)(1) of the California Penal Code.

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

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

FINDINGS OF FACT: The complainant stated that after he fled, an officer used a police vehicle door to attempt to knock him to the ground, and that after catching his balance another officer knocked him to the ground causing a chipped tooth. Once on the ground, the complainant said the officer punched him unnecessarily. The officers denied the allegation and stated that the complainant ran into the door of a parked police car, and that the facial injuries were not due to a punch but his collision against the car door and falling by himself onto the ground. OCC attempts to identify and interview other juveniles on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used profane language.

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

FINDINGS OF FACT: The complainant said that the officer used profane language during his arrest. The officer and another officer on scene denied the allegation. OCC attempts to identify and interview other juveniles on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer misrepresented the truth about the cause of his injuries. The officer and other officers questioned about the complainant's assertions throughout this incident denied the allegation. The complainant did not provide any identity information to contact other juveniles on scene, and OCC attempts to identify the other juveniles on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer was one of many officers investigating the complainant's alleged involvement in a series of armed robberies. The named officer was charged with developing surveillance and witness interviews. Through the named officer's investigation, the complainant was identified by a witness as a suspect. Members of another law enforcement agency, as well as the San Francisco Police Department cooperated in the complainant's arrest. The arrest was proper.

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

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

FINDINGS OF FACT: The complainant alleged that a specific officer searched his room in his house without cause. In its investigation, the OCC reviewed the relevant documents and spoke to the witness. The named member was not involved in the act alleged.

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SUMMARY OF ALLEGATION #3: The officer failed to leave a copy of the search warrant and its inventory.

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

FINDINGS OF FACT: The complainant had a pre-existing warrantless search condition, valid through 2006. The search was conducted in November, 2004. The witness stated that members of the police and another law enforcement agency searched the complainant's room and removed many items of the complainant's personal property. The Office of Citizen Complaints located an inventory of seized items appended to the San Francisco Police Department's incident report. It included several items mentioned by the complainant in his complaint narrative. In its investigation, the OCC reviewed the relevant documents and spoke to the witness. The named member was not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant stated that the named officer was personally responsible for the loss of certain articulated items removed from his residence during a search. The officer denied the allegation, stating that members of another law enforcement agency removed these items from the complainant's residence. The officer stated that the members of the other law enforcement agency transferred all the removed personal property items to him, whereupon he returned all of the property items to the complainant. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant stated that he volunteered to officers his parole status before he was searched and the officer found suspected narcotics in his possession. The evidence established that the officer found the suspected narcotics incident to a lawful search. Therefore, the officer's actions during the arrest of the complainant were proper conduct.

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

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

FINDINGS OF FACT: The complainant stated that the officer used profane language toward him during his booking. The officer and the station keeper denied the allegation. There were no witnesses who could prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3: The officer used inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant stated an unidentified officer used inappropriate behavior and comments after he was removed from a holding cell, and held against a wall by several officers. All officers questioned denied any knowledge about the alleged removal from a cell, and denied using the alleged behavior and comments. There were no witnesses who could prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation against any particular officer.

SUMMARY OF ALLEGATIONS #4: The officers used excessive force while in custody.

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

FINDINGS OF FACT: The complainant stated that several unidentified officers used excessive force upon him while he was inside a police station. All officers questioned denied any use of force or removal from a cell. There were no witnesses who could prove or disprove the allegation. Police records and County jail medical records provided conflicting and inconclusive evidence regarding the use of force upon the complainant while in custody. There is insufficient evidence to either prove or disprove the allegation against any particular officer.

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SUMMARY OF ALLEGATIONS #5: The officer(s) failed to report and document the use of force

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

FINDINGS OF FACT: The complainant stated the officers involved in the excessive use of force upon him inside the station omitted reporting such facts in the incident report. All officers questioned denied any force used with the complainant. There were no witnesses who could prove or disprove the allegation. Police and County jail medical records provided conflicting and inconclusive evidence regarding the use of force upon the complainant while in custody. There is insufficient evidence to either prove or disprove the allegation against any particular officer.

SUMMARY OF ALLEGATIONS #6: The officer failed to promptly provide medical attention.

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

FINDINGS OF FACT: The complainant stated that the force used by several officers upon him occurred while in the custody of the station keeper. The officer and the arresting officer denied receiving any complaint of pain or injury from the complainant. There were no witnesses who could prove or disprove the allegation. Police and County jail medical records provided conflicting yet inconclusive evidence regarding the use of force upon the complainant and the necessity to summon medical personnel to assess the complainant while at the station. There is insufficient evidence to either prove or disprove the allegation against any particular officer.

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SUMMARY OF ALLEGATION #7: The officers failed to provide name and star numbers.

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

FINDINGS OF FACT: The complainant stated that one or two unidentified officers failed to provide their names and star numbers upon request at County Jail. Police records provided inconclusive information about the officers in question. Officers questioned did not know the identity of the officers in question. There is insufficient evidence to either prove or disprove the allegation against any particular officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force in the arrest of the complainant.

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

FINDINGS OF FACT: The complainant stated that the officers sprained his thumb during the arrest. The complainant's description of the alleged officers did not match with that of the arresting officers. No other witnesses came forward. The identity of the alleged officers had not been established. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers applied the handcuffs to the complainant too tightly.

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

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

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SUMMARY OF ALLEGATIONS #5-6: The officers charged the complainant with drunkenness without cause.

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

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

SUMMARY OF ALLEGATIONS #7-8: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was immediately placed under arrest after illegally crossing a street. Based on the complainant's own statement, the evidence proved that the detention was justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #9-10: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The identity of the alleged officers had 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:** NS **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an Incident Report.

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

FINDINGS OF FACT: The complainant was arrested for being drunk in public and for jaywalking. 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 #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated that they arrived on scene and observed the complainant walking around with a plastic bag over his head and stumbling on the street. The officers also learned that the complainant had been fighting in a nearby restaurant. When the officers questioned the complainant about what was going on, the complainant could not respond and showed symptoms of being drunk in public. The officers detained the complainant for 64F PC since he could not care for himself and for public safety reasons. The evidence showed that the conduct which provided the basis for the allegation did occur, however, said conduct was appropriate and proper.

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

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

FINDINGS OF FACT: The complainant was arrested/ detained by the officers for a 647F PC charge. As such, the officers handcuffed the complainant pursuant to Department policy to handcuff individuals who have been arrested. The evidence showed that the conduct that provided the basis for the allegation did occur; however such conduct was proper and appropriate.

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SUMMARY OF ALLEGATION #5-6: The officer seized the complainant's property without justification.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used profanity to the complainant's person.

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

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

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

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

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

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

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

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

SUMMARY OF ALLEGATION #4: The officer wrote an inaccurate Incident Report.

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

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

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SUMMARY OF ALLEGATION #5: The officer failed to read the complainant his Miranda Warning.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used a racially derogatory slur.

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately and 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 contact. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that there was no traffic so he crossed the street against a red light. The officer stated that he observed the complainant cross the street against a red light and thus he issued the complainant a citation for pedestrian crossing against the red light – CVC 21456(c). The evidence showed that the conduct alleged did occur; however, said conduct in issuing the citation was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/11/05 **DATE OF COMPLETION:** 01/24/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that he explained the reason for the barricade, the safety concerns involved and the alternative options to the complainant in regards to parking in a location nearby. The officer was forced to restate the directives to the complainant when she displayed a reluctance to move her vehicle to a safe location. A passenger witness stated that the officer did not appear to be angry, though he could have displayed a more conciliatory tone towards them. Another passenger witness stated she and the other passengers of the complainant's vehicle encouraged the complainant to comply with the officer. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer displayed inappropriate behavior by placing his hand on his duty weapon.

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

FINDINGS OF FACT: The officer denied the allegation, stating that during his contact with the complainant he did not place his hand on his duty weapon. The officer acknowledge that when bending over to talk with motorists, it is customary that he places his hand on and around his waist belt and duty belt in front of his weight-bearing weapon. A passenger witness stated that she did not witness the officer place his hand on his weapon. Another passenger witness said that the officer could have placed his hand on his hips, but could not say that the officer placed his hand on his gun. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers approached him from behind on the street outside his residential hotel, grabbed his arms and handcuffed him. The officers searched the complainant, reaching inside his pockets, and then led the complainant up to his room, which they searched without his consent. The officers found and confiscated two-tenths of a gram of methamphetamine, plastic baggies and a scale from the complainant's room. The officers threatened to arrest the complainant unless he provided information about his drug supplier and make drug buys for them. The named officers stated that earlier on the day of the complainant's detention, an informant had identified the complainant as a methamphetamine dealer. The officers then obtained a copy of the complainant's mugshot and established a surveillance outside his hotel. The officers stated that they saw the complainant exit his hotel and enter a car, where he and the driver appeared to engage in a narcotics transaction. The officers then detained the complainant on the street based on the information provided by the informant, and on their observations. The officers stated that the complainant consented to a search of his person, during which the officers found methamphetamine in his shirt pocket. The officers stated that the complainant consented to a search of his room, where the officers found and confiscated narcotics paraphernalia. The officers stated that they did not arrest the complainant because he agreed to assist them in their narcotics investigation. The officers documented their actions in an incident report. Department records confirm that the officers obtained the complainant's mugshot when they claimed to. The desk clerk at the complainant's hotel stated that the officers entered the hotel and inquired about him before they detained him. The officers denied entering the complainant's hotel before they stopped and detained him. The named officers did not note the license plate number of the car the complainant entered, or make attempts to identify the individual inside the car. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 3 & 4: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers approached him from behind on the street outside his residential hotel, grabbed his arms and handcuffed him. The officers searched the complainant, reaching inside his pockets, and then led the complainant up to his room, which they searched without his consent. The officers found and confiscated two-tenths of a gram of methamphetamine, plastic baggies and a scale. The officers threatened to arrest the complainant unless he provided information about his drug supplier and make drug buys for them. The named officers stated that earlier on the day of the complainant's detention, an informant had identified the complainant as a methamphetamine dealer. The officers then obtained a copy of the complainant's mugshot and established a surveillance outside his hotel. The officers stated that they saw the complainant exit his hotel and enter a car, where he and the driver appeared to engage in a narcotics transaction. The officers then detained the complainant on the street based on the information provided by the informant, and on their observations. The officers stated that the complainant consented to a search of his person, during which the officers found methamphetamine in his shirt pocket. The officers then handcuffed the complainant. The officers stated that the complainant consented to a search of his room, where the officers found and confiscated narcotics paraphernalia. The officers stated that they did not arrest the complainant because he agreed to assist them in their narcotics investigation. The officers documented their actions in an incident report. Department records confirm that the officers obtained the complainant's mugshot when they claimed to. The desk clerk at the complainant's hotel stated that the officers entered the hotel and inquired about him before they detained him and led him into the hotel in handcuffs. The officers denied entering the complainant's hotel before they stopped and detained him. The named officers stated that they did not note the license plate number of the car the complainant entered, or make attempts to identify the individual inside the car. No other witnesses were identified. There is insufficient evidence to prove or disprove whether the complainant consented to a search on the street, and whether the officers discovered drugs in the complainant's possession at that time. Therefore, there is insufficient evidence to prove or disprove whether handcuffing of the complainant was justified.

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SUMMARY OF ALLEGATION # 5 & 6: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers approached him from behind on the street outside his residential hotel, grabbed his arms and handcuffed him. The officers searched the complainant. The named officers stated that earlier on the day of the complainant's detention, an informant had identified the complainant as a methamphetamine dealer. The officers then obtained a copy of the complainant's mugshot and established a surveillance outside his hotel. The officers stated that they saw the complainant exit his hotel and enter a car, where he and the driver appeared to engage in a narcotics transaction. The officers then detained the complainant on the street based on the information provided by the informant, and on their observations. The officers stated that the complainant consented to a search of his person, during which the officers found methamphetamine in his shirt pocket. Department records confirm that the officers obtained the complainant's mugshot when they claimed to. The desk clerk at the complainant's hotel stated that the officers entered the hotel and inquired about him before they detained him and led him into the hotel in handcuffs. The officers denied entering the complainant's hotel before they stopped and detained him. The named officers stated that they did not note the license plate number of the car the complainant entered, or make attempts to identify the individual inside the car. No other witnesses were identified. There is insufficient evidence to prove or disprove whether the complainant consented to a search on the street, or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 7 & 8: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers approached him from behind on the street outside his residential hotel, grabbed his arms and handcuffed him. The officers searched the complainant, reaching inside his pockets, and then led the complainant up to his room, which they searched without his consent. The named officers stated that earlier on the day of the complainant's detention, an informant had identified the complainant as a methamphetamine dealer. The officers then obtained a copy of the complainant's mugshot and established a surveillance outside his hotel. The officers stated that they saw the complainant exit his hotel and enter a car, where he and the driver appeared to engage in a narcotics transaction. The officers then detained the complainant on the street based on the information provided by the informant, and on their observations. The officers stated that the complainant consented to a search of his person, during which the officers found methamphetamine in his shirt pocket. The officers stated that the complainant consented to a search of his room, where the officers found and confiscated narcotics paraphernalia. The officers documented their actions in an incident report. Department records confirm that the officers obtained the complainant's mugshot when they claimed to. The desk clerk at the complainant's hotel stated that the officers entered the hotel and inquired about the complainant before they detained him. The officers denied entering the complainant's hotel before they stopped and detained him. The named officers did not note the license plate number of the car the complainant entered, or make attempts to identify the individual inside the car. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 9 & 10: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers approached him from behind on the street outside his residential hotel, grabbed his arms and handcuffed him. The officers searched the complainant, reaching inside his pockets, and then led the complainant up to his room, which they searched without his consent. The officers found and confiscated two-tenths of a gram of methamphetamine, plastic baggies and a scale. The named officers stated that earlier on the day of the complainant's detention, an informant had identified the complainant as a methamphetamine dealer. The officers then obtained a copy of the complainant's mugshot and established a surveillance outside his hotel. The officers stated that they saw the complainant exit his hotel and enter a car, where he and the driver appeared to engage in a narcotics transaction. The officers then detained the complainant on the street based on the information provided by the informant, and on their observations. The officers stated that the complainant consented to a search of his person, during which the officers found methamphetamine in his shirt pocket. The officers stated that the complainant consented to a search of his room, where the officers found and confiscated narcotics paraphernalia. The officers documented their actions in an incident report. Department records confirm that the officers obtained the complainant's mugshot when they claimed to. The desk clerk at the complainant's hotel stated that the officers entered the hotel and inquired about the complainant before they detained him. The officers denied entering the complainant's hotel before they stopped and detained him. The named officers did not note the license plate number of the car the complainant entered, or make attempts to identify the individual inside the car. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11 & 12: The officers confiscated the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers detained and handcuffed him on the street outside his residential hotel. The officers searched the complainant, and then led him up to his room, which they searched without his consent. The officers found and confiscated two-tenths of a gram of methamphetamine, plastic baggies and a scale. The officers also seized some of the complainant's money. The named officers stated that earlier on the day of the complainant's detention, an informant had identified the complainant as a methamphetamine dealer. The officers then obtained a copy of the complainant's mugshot and established a surveillance outside his hotel. The officers stated that they saw the complainant exit his hotel and enter a car, where he and the driver appeared to engage in a narcotics transaction. The officers then detained the complainant on the street based on the information provided by the informant, and on their observations. The officers stated that the complainant consented to a search of his person, during which the officers found methamphetamine in his shirt pocket. The officers stated that the complainant consented to a search of his room, where the officers found and confiscated narcotics paraphernalia. The officers denied seizing any money from the complainant. The officers documented their actions, including their seizure of two scales and plastic zip-lock baggies, in an incident report. Department records confirm that the officers obtained the complainant's mugshot when they claimed to. The desk clerk at the complainant's hotel stated that the officers entered the hotel and inquired about the complainant before they detained him. The officers denied entering the complainant's hotel before they stopped and detained him. The named officers did not note the license plate number of the car the complainant entered, or make attempts to identify the individual inside the car. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #13 & 14: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers detained and handcuffed him on the street outside his hotel, then led him up to his room, which they searched without his consent. The officers found and confiscated two-tenths of a gram of methamphetamine, plastic baggies and a scale. The officers threatened to arrest the complainant unless he provided information about his drug supplier and make drug buys for them. One of the officers subsequently telephoned the complainant on multiple occasions, threatening to arrest him if he did not assist them. The named officers stated that earlier on the day of the complainant's detention, an informant had identified the complainant as a methamphetamine dealer. The officers then obtained a copy of the complainant's mugshot and established a surveillance outside his hotel. The officers stated that they saw the complainant exit his hotel and enter a car, where he and the driver appeared to engage in a narcotics transaction. The officers then detained the complainant on the street based on the information provided by the informant, and on their observations. The officers stated that the complainant consented to a search of his person, during which the officers found methamphetamine in his shirt pocket. The officers stated that the complainant consented to a search of his room, where the officers found and confiscated narcotics paraphernalia. The officers stated that they did not arrest the complainant because he agreed to assist them in their narcotics investigation, and that they subsequently telephoned the complainant and told him that if he did not cooperate as he said he would, they would charge him with possession of the drugs they had confiscated. The officers documented the detention of the complainant and the seizure of drugs and paraphernalia in a Incident Report. Department records confirm that the officers obtained the complainant's mugshot when they claimed to. The desk clerk at the complainant's hotel stated that the officers entered the hotel and inquired about him before they detained him. The officers denied entering the complainant's hotel before they stopped and detained him. The named officers did not note the license plate number of the car the complainant entered, or make attempts to identify the individual inside the car. No other witnesses were identified. There is insufficient evidence to prove or disprove whether the complainant's detention and search were justified. Therefore, there is insufficient evidence to prove or disprove whether the officers' threats to charge the complainant for the drug possession if he failed to cooperate with them was justified.

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SUMMARY OF ALLEGATION #15 & 16: The officers used force on the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers approached him from behind on the street outside his residential hotel, grabbed his arms and handcuffed him. The named officers stated that earlier on the day of the complainant's detention, an informant had identified the complainant as a methamphetamine dealer. The officers then obtained a copy of the complainant's mugshot and established a surveillance outside his hotel. The officers stated that they saw the complainant exit his hotel and enter a car, where he and the driver appeared to engage in a narcotics transaction. The officers then detained the complainant on the street based on the information provided by the informant, and on their observations. The officers stated that the complainant consented to a search of his person, during which the officers found methamphetamine in his shirt pocket. The officers denied grabbing the complainant. The officers documented their actions in an incident report. Department records confirm that the officers obtained the complainant's mugshot when they claimed to. The desk clerk at the complainant's hotel stated that the officers entered the hotel and inquired about him before they detained him. The officers denied entering the complainant's hotel before they stopped and detained him. The named officers did not note the license plate number of the car the complainant entered, or make attempts to identify the individual inside the car. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #17 & 18: The officers conducted a search beyond the scope of authority.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers approached him from behind on the street outside his residential hotel, grabbed his arms and handcuffed him. The officers searched the complainant, reaching inside his pockets. The named officers stated that earlier on the day of the complainant's detention, an informant had identified the complainant as a methamphetamine dealer. The officers then obtained a copy of the complainant's mugshot and established a surveillance outside his hotel. The officers stated that they saw the complainant exit his hotel and enter a car, where he and the driver appeared to engage in a narcotics transaction. The officers then detained the complainant on the street based on the information provided by the informant, and on their observations. The officers stated that the complainant consented to a search of his person, during which the officers found methamphetamine in his shirt pocket. The desk clerk at the complainant's hotel stated that the officers entered the hotel and inquired about him before they detained him and led him into the hotel in handcuffs. The officers denied entering the complainant's hotel before they stopped and detained him. No other witnesses were identified. There is insufficient evidence to prove or disprove whether the complainant consented to a search on the street and to whether or not the detention was justified. Therefore, there is insufficient evidence -o prove or disprove the allegation.

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

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

FINDINGS OF FACT: The evidence established that the officers did issue the complainant a Certificate of Release.

SUMMARY OF OCC ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #2: 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.

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SUMMARY OF ALLEGATION #3: The officer's behavior was inappropriate.

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:

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness confirmed the officer's statements regarding the contact with the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he went to visit his girlfriend. They became involved in a verbal argument on the front steps, and someone summoned the police. When the officer arrived, the complainant and his girlfriend told the responding officer that there was no problem. The complainant's girlfriend went inside the house and the complainant waited for her on the sidewalk. The officer ordered the complainant to leave the area, and when he refused to do so, the officer became belligerent and insulting, threw the complainant's radio into the street, and arrested the complainant for trespassing. The complainant's girlfriend stated that she and the complainant had argued about the fact that the landlord refused to allow her to have visitors at the house. When the officer arrived, she and the complainant were sitting on the front steps and told the officer that there was no problem. The complainant and the officer began conversing, and she went inside the house. The named officer stated that he responded to what he believed was a domestic disturbance and found the complainant yelling at his girlfriend on the front steps of the residence when he arrived. The officer stated that he ordered the complainant to leave the area, and arrested him for trespassing when the complainant failed to leave the front steps. The officer stated that the landlord signed a citizen's arrest form, and that the form was attached to the incident report. The incident report states that the landlord offered to sign a citizen's arrest form, but does not indicate whether such a form was ever signed. A citizen's arrest form could not be located. Multiple attempts by the Office of Citizen Complaints to locate and interview the landlord were unsuccessful. A civilian witness identified by the complainant never contacted the Office of Citizen Complaints. The evidence established that an essential element of the offense of trespassing was missing, and that therefore the arrest was unwarranted.

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

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

FINDINGS OF FACT: The complainant stated that he went to visit his girlfriend. They became involved in a verbal argument on the front steps and someone summoned the police. The complainant and his girlfriend told the responding officer that there was no problem. The complainant's girlfriend went inside the house and the complainant waited for her on the sidewalk. The officer ordered the complainant to leave the area. When the complainant refused to do so, the officer arrested the complainant for trespassing. As the officer placed the complainant into the patrol car, he struck the complainant's head against the car. The officer also shoved the complainant at the station. The complainant's girlfriend stated that she and the complainant were sitting on the front steps of the house when the officer arrived, but that she went inside the house soon afterwards and did not see the complainant arrested. Multiple attempts by The Office of Citizen Complaints to locate and interview another civilian witness were unsuccessful. A civilian witness identified by the complainant never contacted the Office of Citizen Complaints. A witness officer at the police station stated that the named officer did not use force on the complainant at the station. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to loosen the complainant's handcuffs.

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

FINDINGS OF FACT: The complainant stated that the officer who arrested him applied the handcuffs too tightly and failed to loosen them when asked. The named officer denied applying the handcuffs too tightly and denied that the complainant asked him to loosen them. No civilian witnesses could not be identified or interviewed. A witness officer at the station denied that the complainant complained of tight handcuffs. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that he went to visit his girlfriend. They became involved in a verbal argument on the front steps and someone summoned the police. The complainant and his girlfriend told the responding officer that there was no problem. The complainant's girlfriend went inside the house and the complainant waited for her on the sidewalk. The officer ordered the complainant to leave the area. When the complainant refused to do so, the officer became belligerent and insulting, threw the complainant's radio into the street, and arrested the complainant for trespassing. The complainant stated that the officer also made inappropriate comments to him at the police station. The named officer denied making inappropriate comments to the complainant or throwing the complainant's radio into the street. The complainant's girlfriend stated that she and the complainant were sitting on the front steps of the house when the officer arrived, but that she went inside the house soon afterwards, and did not see the complainant arrested. Multiple attempts by the Office of Citizen Complaints to locate and interview another civilian witness were unsuccessful. A civilian witness identified by the complainant never contacted the Office of Citizen Complaints. A potential witness to the complainant's interaction with the officer at the police station could not be contacted. A witness officer at the station denied that the named officer made inappropriate comments to the complainant. An examination of the complainant's radio, which was booked by police, revealed scrape marks that appeared consistent with the radio being scraped across a rough surface. 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 he went to visit his girlfriend. They became involved in a verbal argument on the front steps and someone summoned the police. The complainant and his girlfriend told the responding officer that there was no problem. The complainant's girlfriend went inside the house and the complainant waited for her on the sidewalk. The officer ordered the complainant to leave the area, and when he refused to do so, the officer became belligerent and insulting and made a sexually derogatory comment to the complainant. The named officer denied making a sexually derogatory comment to the complainant. The complainant's girlfriend stated that she and the complainant were sitting on the front steps of the house when the officer arrived, but that she went inside the house soon afterwards, and did not see the remainder of the complainant's interaction with the officer. Multiple attempts by the Office of Citizen Complaints to locate and interview another civilian witness were unsuccessful. A civilian witness identified by the complainant never contacted the Office of Citizen Complaints. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 6: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that he went to visit his girlfriend. They became involved in a verbal argument on the front steps and someone summoned the police. The complainant and his girlfriend told the responding officer that there was no problem. The complainant's girlfriend went inside the house and the complainant waited for her on the sidewalk. The officer ordered the complainant to leave the area. When the complainant refused to do so, the officer became belligerent and insulting, and used profanity. The officer also used profanity to the complainant at the police station. The named officer denied using profanity. The complainant's girlfriend stated that she and the complainant were sitting on the front steps of the house when the officer arrived, but that she went inside the house soon afterwards and did not see the remainder of the complainant's interaction with the officer. Multiple attempts by the Office of Citizen Complaints to locate and interview another civilian witness were unsuccessful. A civilian witness identified by the complainant never contacted the Office of Citizen Complaints. A witness officer at the police station stated that the named officer did not use profanity and that the complainant was "verbally combative." There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer issued an invalid order

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

FINDINGS OF FACT: The complainant stated that he went to visit his girlfriend. They became involved in a verbal argument on the front steps and someone summoned the police. The complainant and his girlfriend told the responding officer that there was no problem. The complainant's girlfriend went inside the house and the complainant waited for her on the sidewalk. The officer ordered the complainant to leave the area. The complainant's girlfriend stated that she and the complainant had argued about the fact that the landlord refused to allow her to have visitors at the house. When the officer arrived, she and the complainant were sitting on the front steps. She told the officer that there was no problem. The complainant and the officer began conversing, and she went inside the house. The named officer stated that he responded to what he believed was a domestic disturbance. When he arrived at the scene, he found the complainant yelling at his girlfriend on the front steps of the residence. However, there is no indication from the officer's own incident report to support the allegation that he saw any indication of domestic violence at the scene. In fact, the officer's incident report refers to a landlord-tenant dispute between the complainant's girlfriend and her landlord. The officer stated that he ordered the complainant to leave the area, and also ordered him to step off the front steps and onto the sidewalk. The evidence established that the officer's order for the complainant to leave the area was unwarranted.

SUMMARY OF ALLEGATION #8: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that he went to visit his girlfriend. They became involved in a verbal argument on the front steps and someone summoned the police. The complainant and his girlfriend told the responding officer that there was no problem. The complainant's girlfriend went inside the house and the complainant waited for her on the sidewalk. The officer ordered the complainant to leave the area. When the complainant refused to do so, the officer became belligerent and insulting, threw the complainant's radio into the street, and arrested the complainant for trespassing. The complainant claimed that he was standing on the sidewalk at the time, and was not trespassing. The complainant's girlfriend stated that she and the complainant had argued about the fact that the landlord refused to allow her to have visitors at the house. When the officer arrived, she and the complainant were sitting on the front steps. She told the officer that there was no problem. The complainant and the officer began conversing and she went inside the house. The named officer stated that he responded to what he believed was a domestic disturbance, and found the complainant yelling at his girlfriend on the front steps of the residence when he arrived. The officer stated that he ordered the complainant to leave the area and arrested him for trespassing when the complainant failed to leave the front steps. Multiple attempts by the Office of Citizen Complaints to locate and interview the landlord of the property, who was present at the time of the incident, were unsuccessful. A civilian witness identified by the complainant never contacted the Office of Citizen Complaints. There is insufficient evidence to prove or disprove whether the complainant was on the steps of the residence or on the sidewalk at the time of his arrest.

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SUMMARY OF OCC ADDED ALLEGATION #9: The officer failed to take required action, log a Use of Force.

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

FINDINGS OF FACT: The complainant stated that when the officer who arrested him placed him in the rear seat of the patrol car, the complainant struck his head, causing a bump. The complainant stated that he reported this to a supervisor at the police station. The supervisor stated that the complainant told him that he bumped his head while being placed in the patrol car, but that he did not observe any injuries on the complainant's head. The named officer stated that he did not make a use of force log entry because he believed that no force was used. The named officer stated that at the complainant's request, he completed an OCC complaint form. The arresting officer denied that the complainant bumped his head. The complainant did not seek medical attention for his injury. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he should not have been arrested. The officers stated the complainant was identified as the suspect in a felony drive-by shooting. Two victims identified the complainant as the person who shot at their vehicle. The officers had probable cause to arrest the complainant.

SUMMARY OF ALLEGATIONS #3-5: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant stated officers grabbed and pushed him against a wall during the arrest. The officers stated they did not use any force on the complainant. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6-7: The officers failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated he was laughed at by other officers and deprived of food, water, and a bathroom break at Southern Station while being handcuffed to a bench. The officers stated they did not fail to properly supervise. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #8: The officer failed to provide access to a telephone.

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

FINDINGS OF FACT: The complainant stated he requested a telephone call to his attorney but officers did not honor his request. Officers who were present stated they did not hear the complainant request for a telephone call. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #9: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated an officer told him he needed to have been booked before the complainant could make a phone call. Officers who were present stated they neither made nor heard any inappropriate comments toward the complainant. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated he was at the station and interviewed without being advised of his rights. The officer stated the complainant refused to make a statement after being Mirandized, so the officer terminated the interview. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer failed to loosen the complainant's handcuffs.

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

FINDINGS OF FACT: The complainant stated he asked unknown officers to loosen his handcuffs several times. The officers present during the complainant's detention stated the complainant did not ask them to loosen the handcuffs. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #12-14: The officers towed and impounded the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated his vehicle should not have been towed and impounded. The officers stated the complainant was arrested in a felony drive-by shooting, and his vehicle was lawfully towed and held for investigation.

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SUMMARY OF ALLEGATION #15: The officer damaged the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated he went to get his vehicle back and noticed his vehicle sustained damage that was not there before. The officers who had contact with the complainant's vehicle stated they did not damage the vehicle. 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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SUMMARY OF ALLEGATION #1: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that he had a DMV sticker on his rear car window in lieu of a license plate. The officer cited the complaint for not having valid license plates and stated he did not observe any DMV sticker on the complainant's car. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION #2-3: The officers failed to provide their names and star numbers when requested.

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

FINDINGS OF FACT: The officers stated that the complainant did not request any of their identifying information. Other officers stated they did not hear the complainant request the officers star numbers or names. No other witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used profanity.

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

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

SUMMARY OF ALLEGATION #5: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer threatened to kill him and left a threatening note in the complainant's vehicle. The officer and witness officers denied the allegation. No other witness came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer spoke in an inappropriate and intimidating manner to the complainant. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer failed to investigate a traffic collision.

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

FINDINGS OF FACT: The complainant stated that he was involved in a non-injury auto collision and that the officer failed to investigate the accident. The officer stated that when he was at the scene of the collision, he was informed by both parties that there were no injuries. The officer stated that he then followed Department General Order 9.02 wherein he explained to the involved parties that it is Department Policy not to investigate auto accidents where there are no injuries. Furthermore, the officer stated that he facilitated the exchange of information and called for a tow for one of the drivers. The evidence showed that the act which provided the basis for the allegation occurred; however, said act was proper, lawful and within the policy of the San Francisco Police Department pursuant to Department General Order 9.02

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer and a witness officer denied the allegation. No witnesses were identified or came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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

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

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

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SUMMARY OF ALLEGATION #1-3: Discourtesy for use of profanity

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

FINDINGS OF FACT: The officers denied the allegation, stating that they did not use profanity towards the complainant or her boyfriend during the incident or during the arrest. The witness stated that he only heard the officer tell the complainant to be quiet. Both assisting officers stated that the complainant was yelling obscenities during the incident and during the arrest. Both assisting officers said that they did not hear any officers using profanity at the scene of the incident. There were no other witnesses. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer stated that he was flagged down by the owner of a bar to assist him in removing an unruly bar patron from the premises. The witness/bar owner stated that he summoned the police to protect himself and his customers. The witness/bar owner said that the complainant was a minor and drinking vodka with her boyfriend from their own bottle. The witness/bar owner said that the complainant's boyfriend was harassing customers, and picking up furniture around the pool table.

The officer approached the complainant and her boyfriend to request that they leave the bar. The officer stated that the complainant's boyfriend would not comply and became verbally and physically aggressive. The officer stated that the complainant and her boyfriend were subsequently arrested. There were no other witnesses. 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: The officer arrested the complainant and her boyfriend without cause.

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

FINDINGS OF FACT: The officer approached the complainant and her boyfriend to request that they leave the bar, per the request of the bar owner. The complainant's boyfriend became verbally and physically aggressive and refused to comply with the officer's verbal commands. The witness stated that the complainant's boyfriend threw a bar stool to trip the officer and then attempted to strike the officer. The assisting officers corroborated that the complainant's boyfriend physically attacked them, and fought the officer's attempted wristlock with punches and kicks towards the officers. The witness/bar owner and the officers corroborated that the complainant attempted to interfere with the arrest by attempting to push the officers off of her boyfriend and yelled obscenities at the officers. 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 #6-8: The officer used unnecessary force during an arrest.

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

FINDINGS OF FACT: The officer denied the allegation, stating that the complainant and her boyfriend were responsible for escalating the incident to a physical altercation. The officer stated that he attempted to escort the complainant and her boyfriend out of the bar. The officer said that the complainant's boyfriend became verbally and physically aggressive and refused to comply with the officer's verbal commands. The officer used his baton on the complainant's boyfriend after he attempted to trip the officer with a bar stool and after the complainant's boyfriend attempted to strike the officer with his fist. The two assisting officer's arrived in the bar to find the arresting officer, the complainant and her boyfriend in a physical altercation. The assisting officer's both stated that the complainant and her boyfriend were screaming obscenities at the arresting officer. One assisting officer stated that he attempted to place a rear wristlock on the complainant's boyfriend. However, the complainant's boyfriend broke free from the control hold and attempted to punch and kick the officers. The witness stated that the officers were forced to use their batons to restrain the complainant's boyfriend. Despite his violent resistance, the officers took the complainant's boyfriend to the ground and were able to handcuff him. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper, pursuant to Department General Order 5.01 regarding "Use of Force."

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SUMMARY OF ALLEGATION #9 : The officer misrepresented the truth in the Incident Report

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

FINDINGS OF FACT: The officer denied the allegation, by stating that the complainant's boyfriend was indeed verbally aggressive and physically challenged the officer. The officer stated that the complainant's boyfriend stood up to him with raised clenched fists, and attempted to strike the officer by lunging towards him. The witness/bar owner stated that the complainant's boyfriend initiated the physical attack against the officer. The assisting officers corroborated that the complainant's boyfriend resisted the arresting officer and their efforts to restrain him. The officer's report of the incident is consistent with the sequence of events reported by the assisting officers and the witness. The investigation was unable to disclose sufficient 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 threatening remarks to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The complainant's witness failed to cooperate with the investigation and other officers present denied the remarks were made. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The complainant's witness failed to cooperate with the investigation and other officers present denied the remarks were made. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer made a car stop without justification.

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

FINDINGS OF FACT: The officer denied the allegation and stated the cause for the car stop was that the complainant's registration tags were grossly out of date. The evidence proved that the acts, which provided the basis for the allegations, occurred: however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION # 4: The officer's detention of the complainant and his passenger was racially motivated and bias.

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

FINDINGS OF FACT: The officer denied the allegation. The evidence proved that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was handcuffed for reasons of officer safety. The complainant's witness failed to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The officer stated the complainant was issued a citation based on the fact his registration was out of date by approximately 19 months and the Temporary Operating Permit was for a different vehicle. The evidence proved that the acts, which provided the basis for the allegations, occurred: however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer stated the complainant's vehicle was searched based on a tow inventory; a procedural matter. 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 #8: The officer had the complainant's vehicle towed without justification.

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

FINDINGS OF FACT: The officer stated the complainant was issued a citation based on the fact his registration was out of date by approximately 19 months and the Temporary Operating Permit was for a different vehicle. As such, the officers had no options based on current law but to tow the complainant's vehicle. The evidence proved that the acts, which provided the basis for the allegations, occurred: however, such acts were justified, lawful and proper.

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OCC ADDED ALLEGATION

SUMMARY OF ALLEGATION #1: The officer failed to take a required action by failing to comply with Department Bulletin 04-243.

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

FINDINGS OF FACT: The officer stated and provided evidence that full compliance with the Department Bulletin had occurred. 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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SUMMARY OF ALLEGATIONS #1: The officer failed to take a timely report.

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated he called the police because he was chased and threatened by an employee of a neighborhood store. The complainant stated the officer did not take an incident report from him. The investigation was unable to identify the officer in question. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2: The officer failed to take a report.

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that, several days after being chased and threatened by an employee of a neighborhood store, he reported the incident to an officer. The officer stated he was at a timed standing traffic post when the complainant approached him. He stated the complainant did not ask him to take an Incident Report. The witnesses did not hear the conversation between the officers and the complainant. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3: The officer used unnecessary force during the incident.

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

FINDINGS OF FACT: The complainant stated the officer grabbed his arm and pulled him towards a pole. The officer stated the complainant was off the sidewalk, in the roadway and in a construction area. The officer stated he moved the complainant from the street to the sidewalk for his and the complainant's safety. The witnesses did not see the alleged force. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer told him he would call Dispatch to take a report. The complainant stated the officer lied to him and that he did not do what he said. The officer stated the complainant did not ask him to call Dispatch. The witnesses did not hear the conversation between the officers and the complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #5: The officer conducted a records query without justification.

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

FINDINGS OF FACT: The complainant stated the officer queried his name for no reason. The officer stated the complainant was acting in a bizarre fashion, so he ran a query to determine if the complainant was possibly a missing adult or a walk-away from a hospital. A witness stated the complainant was hostile, angry, and belligerent. 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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SUMMARY OF ALLEGATION #1: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer selectively enforced the law.

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was detained for the purposes of running a query on his person as the officer believed the complainant had an outstanding warrant. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #1: The officer failed to write an accident report.

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

FINDINGS OF FACT: The complainant stated that she and her daughter went to a district station to report a non-injury automobile accident with a MUNI bus. They were told that a MUNI investigator would respond to the station to take a report. When the complainant subsequently requested a copy of the San Francisco Police Department accident report, she was informed that no report was taken. Neither the complainant nor her daughter could identify the officer involved. A poll to the station resulted in the identification of three possibly involved members. Each of these members denied having any contact with the complainant or her daughter. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to prepare an accurate Incident Report.

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

FINDINGS OF FACT: The officer stated that she prepared an accurate Incident Report. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that she felt “disrespected” by the officer because the officer both stared at her and ignored her. The officer denied behaving in an inappropriate manner. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant told an officer and also wrote a statement saying that the co-complainant, who was her boyfriend, repeatedly assaulted her and threatened her. The complainant stated that she willingly gave the officers keys to the co-complainant's garage. An arrest squad was assembled while the complainant was still at the police station. The officers' actions were proper.

SUMMARY OF ALLEGATION #5: The officer brandished a firearm without cause.

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

FINDINGS OF FACT: The complainant told the officers that the co-complainant had assaulted her and was in possession of a firearm. The co-complainant also had a history of violence and drug use. The officer stated that, when he opened the door to the co-complainant's apartment, he could not see both of the co-complainant's hands. The officer stated that, based on the co-complainant's criminal history, he pointed his gun at the co-complainant. The officer's conduct was proper.

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SUMMARY OF ALLEGATION #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The co-complainant failed to respond to contact attempts and was not available to be interviewed regarding this allegation. The arresting officers denied that officers stole the co-complainant's property.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant failed to provide essential information to further the investigation.

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

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

FINDINGS OF FACT: The complainant failed to provide essential information to further the investigation.

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

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

FINDINGS OF FACT: The complainant failed to provide essential information to further the investigation.

SUMMARY OF ALLEGATIONS #4: The officer uttered a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant failed to provide essential information to further the investigation.

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SUMMARY OF ALLEGATIONS #5: The officer failed to provide appropriate information.

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

FINDINGS OF FACT: The complainant failed to provide essential information to further the investigation.

SUMMARY OF ALLEGATIONS #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant failed to provide essential information to further the investigation.

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

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

FINDINGS OF FACT: The complainant stated that a clinician requested police assistance in transporting the complainant to the Psychiatric Emergency Services facility and the officers handcuffed her despite her objections. The OCC found that the Department procedures require officers to place in handcuffs all individuals transported for involuntary psychiatric evaluation. The officers' decision to handcuff the complainant was proper and within the Department guidelines.

SUMMARY OF ALLEGATIONS #3-4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that she requested the officers to drive her to UC Medical Center but the officers took her to the PES SFGH. The OCC found that the officers were dispatched to assist a clinician in transporting the complainant for involuntary psychiatric evaluation. The Department Policy on Psychological Evaluation of Adults requires officers to transport such individuals only to the PES SFGH. Although the complainant requested to be taken to a different medical facility, the officers' decision to transport her to the PES SFGH was proper and within the Department guidelines.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to follow proper procedures as outlined in the crowd control manual.

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

FINDINGS OF FACT: The named officer denied the allegation, stating he did not recall if an order was given to demonstrators to stay out of the area he was patrolling. Two witnesses stated they heard no order, but said they were walking and could not account for what had taken place at the location of the occurrence. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. Two witnesses stated that they saw an officer matching the general description of the named officer push a man, however there is no record of an incident and no identification of the victim of the alleged pushing. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The named officer denied the allegation, stating he did not recall any contact with the subject as described by the complainant. There were no other records or indications of a subject as described by the complainant. One witness stated that he heard an officer deliver a comment similarly to the comment alleged by the complainant, but could not recall it specifically. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: There is no dispute that the complainant was in possession of marijuana. The complainant had a medical marijuana card, yet gave conflicting accounts of where he got the marijuana. The officer sought a supervisor's permission to detain/arrest the complainant. The evidence proved that the officer's actions were lawful, justified and proper.

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

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

FINDINGS OF FACT: The complainant was handcuffed consistent with department policy regarding individuals under arrest.

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

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

FINDINGS OF FACT: The complainant was searched incident to arrest.

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

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

FINDINGS OF FACT: There is no dispute that the complainant's vehicle was not legally parked. The allegation being complained of was appropriate, lawful and justified.

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

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

FINDINGS OF FACT: The property in question was marijuana, there is no dispute to the property, however, the complainant contends that he had a medical use for the marijuana. The origin and purpose of the quantity is disputed, hence the property was booked until properly disposed of.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was not selling drugs and was falsely arrested by the officer. The officer stated a witness approached him and advised him the complainant was selling drugs and tried to sell some to him. There were no available witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed his coat, reached inside his pocket, and seized his prescription drugs. The officer stated he seized prescription drugs in plain view after a witness told him he saw the complainant selling drugs. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was straddled and choked by an unknown officer. The complainant stated another unknown officer placed his knee on the complainant's back. The named officer stated he used physical control to overcome the complainant's resistance. Other officers at the scene denied using force. There were no available witnesses. There is insufficient evidence to establish the level of force necessary to take the complainant into custody.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to provide information.

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

FINDINGS OF FACT: The complainant stated he requested the officer to look up a traffic accident report but the officer refused. The officer stated he did not recall any contact with the complainant. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

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

San Francisco Police Department
Attn.: Chief of Police
850 Bryant St., #525
San Francisco, CA 94103
(415)553-1551
Fax (415)553-1554

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for an interview.

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for an interview.

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for an interview.

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

FINDINGS OF FACT: The complainant stated he should not have been issued a traffic citation for failure to yield to oncoming traffic, as there was sufficient time and distance to make a legal left turn. The officer denied the allegation, stating that he had to execute a driving maneuver and slam his brakes to avoid a collision with the complainant's vehicle. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer was agitated and threatened to inspect the complainant's vehicle for infractions and arrest him for failing to sign the citation. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that, after she wrote an unfavorable article about the San Francisco Police Department, officers began responding to house, allegedly in response to 911 calls. The investigation revealed that 911 calls were being made from the complainant's residence. When it was discovered that the calls were a result of a defective telephone line, officers were ordered to disregard the calls. There was no evidence of harassment, and the complainant acknowledged that she failed to timely notify the telephone company that her phone was not working.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation and stated that he questioned two parties involved in an apparent argument over a parking space. The officer also stated that the complainant was the only person to escalate a non-criminal situation, and his behavior raised public safety concerns. One of several witnesses on scene could not verify or deny the allegation. Other witnesses on scene were not identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made a selective enforcement.

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

FINDINGS OF FACT: The officer denied the allegation and stated that his inquiries about the driving status of the complainant and wife were based on the complainant's confrontational behavior, his lack of a driver's license in his possession, and a public safety concern. The officer stated he was concerned that the complainant would drive onto the freeway without a license, and create a vehicular confrontation with the other motorist over a non-criminal matter. One of several witnesses on scene could not verify or deny the allegation. Other witnesses on scene were not identified. There is insufficient evidence to either prove or disprove the allegation.

REVISED 04/20/00

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SUMMARY OF ALLEGATIONS #1, 2: The officers failed to properly investigate a reported crime.

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

FINDINGS OF FACT: Department records indicated that the officers considered and acted upon all the evidence that was submitted by the complainant. Department records indicate further that after completing an investigation into those and other facts, the officers submitted the case to the Office of the District Attorney. Records showed the District Attorney's office declined to pursue the case for a lack of corroborating evidence. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #:

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: