

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/26/04 **DATE OF COMPLETION:** 03/28/05 **PAGE#** 1 **of** 1

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

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

**FINDINGS OF FACT:** The officer stated that he investigated this incident by speaking to both sides in the matter and telephoning a witness. No witnesses came forward or were available in this matter due to disconnected phone numbers and disconnected Email. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer misrepresented what the telephoned witness stated. No witnesses came forward or were available due to disconnected phone numbers and disconnected Email. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 01/19/05 **DATE OF COMPLETION:** 03/03/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to write an Incident Report.

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

**FINDINGS OF FACT:** The complainant stated that he was involved in a vehicle accident, and that when he went to a police station to file a report, the officer refused. The officer stated that it was the Department's policy not to investigate vehicle accidents involving only property damage. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

**CATEGORY OF CONDUCT:** CRD      **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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**DATE OF COMPLAINT** 01/20/05 **DATE OF COMPLETION:** 03/22/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was in a playground at Golden Gate Park when he was asked to leave because he did not have a child with him. The complainant stated the officer pointed out a sign that said, "Adults with Children Only." The officer stated he asked the complainant to leave because adults were only allowed to be in the playground if they were accompanied by children. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant was asked to leave the playground because he was not accompanied by a child. The complainant stated that the officer told him that he was only being asked to leave, but that next he would be cited. The officer denied the alleged statement. Even if the officer did make the alleged statement to the complainant, the statement alone would not rise to a level of misconduct. The only witness who may have overheard the conversation could not be located. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 01/24/05 **DATE OF COMPLETION:** 03/21/05 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer threatened to retaliate against cab drivers.

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

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

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**DATE OF COMPLAINT:**01/28/05 **DATE OF COMPLETION:** 03/11/05 **PAGE#** 1 of 4

**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. There were no other identifiable witnesses at the scene. The investigation was unable to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #2-3:** The officers made inappropriate comments to the complainant.

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

**FINDINGS OF FACT:** The officers denied the allegation. There were no other identifiable witnesses at the scene. The investigation was unable to either prove, or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The officers denied the allegation and stated the complainant was detained in order to be issued a traffic citation for walking in the traffic lanes. There were no other identifiable witnesses at the scene. The investigation was unable to either prove, or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The officers denied the allegation and stated the complainant was handcuffed only after he attempted to walk away from the officers who were in the process of citing him. The complainant became belligerent and resisted the officer's efforts to cite him. There were no other identifiable witnesses at the scene. The investigation was unable to either prove, or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #8:** The officer issued the complainant a citation without cause.

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

**FINDINGS OF FACT:** The officer stated the complainant was originally stopped in order to cite him for walking in the traffic lanes. When the complainant attempted to walk away from the officer as he was preparing the citation, the officer attempted to grab the complainant's arm but the complainant resisted and was subsequently arrested for the original offense and was also cited for resisting. There were no other identifiable witnesses at the scene. The investigation was unable to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS # 9-10:** The officers placed the handcuffs on the complainant too tightly.

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

**FINDINGS OF FACT:** The officers denied the allegation and stated the complainant never raised the issue of the handcuffs being too tight with them or the other officers present. The records obtained from the complainant's visit to the Emergency Room were inconclusive. There were no other identifiable witnesses at the scene. The investigation was unable to either prove, or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS # 11 -14:** The officer used unnecessary force in detaining the complainant.

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

**FINDINGS OF FACT:** The officers denied the allegation and stated the level of force used to restrain the struggling complainant was minimal. The records obtained from the complainant's visit to the Emergency Room were inconclusive. There were no other identifiable witnesses at the scene. The investigation was unable to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**



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**DATE OF COMPLAINT:** 01/30/05 **DATE OF COMPLETION:** 03/21/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer admitted initiating a conversation with the complainant, who was walking on the sidewalk but denied the allegation. Another officer in the vehicle could not verify or deny the allegation. There were no other witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/01/04    **DATE OF COMPLETION:** 03/18/05    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that as he was leaving a nightclub, he was detained for no reason, handcuffed, placed in the back of a police wagon, and transported to the police station, where he was later released. The officer stated that he responded from outside the district to assist with a potential riot, and that when he arrived, he joined a skirmish line of officers. As they attempted to clear the area, the complainant began yelling and inciting the crowd, so the named officer and other officers decided to detain him for investigation of inciting a riot. A co-complainant and a witness confirmed that the police responded to a large street fight, but did not know if the complainant was involved. There is insufficient evidence to prove or disprove the allegation

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

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

**FINDINGS OF FACT:** The complainant stated that as he was leaving a nightclub, he was detained for no reason, handcuffed, placed in the back of a police wagon, and transported to the police station, where he was later released. The office stated that he handcuffed the complainant pursuant to a lawful detention prior to transport of the complainant to the station. There is insufficient evidence to prove or disprove whether or not the detention was justified; therefore there is insufficient evidence to prove or disprove whether or not the handcuffing was justified.

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

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

**FINDINGS OF FACT:** The complainant stated an officer pulled him to the ground, and that five or six other officers repeatedly hit and kicked him in the face and head. The complainant could not identify or describe the officers who struck him, with the exception of one officer. The complainant stated that after he was placed inside a police wagon, this officer entered the wagon and jabbed the complainant in the left thigh with his baton. Medical records document that complainant's left thigh was bruised. A description provided by a witness to the incident in the van differed significantly from that of the named officer. The named officer stated that he and other officers grabbed the complainant, who kicked and pulled away. The officers then guided the complainant to the ground and handcuffed him, and that none of the officers struck or kicked the complainant. Five witness officers stated that they had no contact with the complainant. The named officer stated that, once in the van, the complainant stood up and began yelling. As the named officer shut the wagon door, the complainant kicked the door open. The named officer then opened the wagon door and told the complainant to sit down. When the complainant refused, the named officer entered the wagon, grabbed the complainant by his left arm, sat him back down and told him not to get up again. The named officer denied striking the complainant with his baton inside the wagon. The named officer stated that no other officer entered the back of the wagon while he was present. Attempts to contact the complainant in order to do a follow-up interview and have him view a photo spread were unsuccessful. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the officer used profanity. The named officer denied using profanity. Civilian witnesses to the complainant's detention provided accounts that differed concerning significant issues. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6:** The officer made a sexually derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated the officer made a sexually derogatory comment to him. The named officer denied using or making a sexually derogatory comment. Witness officers stated that they did not recall the complainant's detention, or did not know what the named officer said and did in connection with the complainant's detention. No civilian witnesses to the complainant's interaction with officers at the time he was initially detained could be identified. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that, an officer made a racially derogatory comment towards him at the station. Attempts to contact the complainant in order to do a follow-up interview and have him view a photo spread in order to identify the officer who made the racially derogatory comments were unsuccessful. There is insufficient evidence to positively identify the officer or to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #8:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated that the officer who detained him and placed him inside a police wagon made an inappropriate comment to him. One civilian witness stated that the officer who placed the complainant inside the wagon made an inappropriate comment. This witness gave a description of the officer who made this comment that significantly differed from that of the named officer. A second civilian stated that an officer made an inappropriate comment, but could not describe this officer. The named officer denied making an inappropriate comment. The complainant failed to respond to multiple requests for a follow-up interview, and to view a photo spread. There is insufficient evidence to prove or disprove the allegation.

**OCC-ADDED ALLEGATIONS**

**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 investigation failed to prove or disprove whether the officer used reportable force. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

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**DATE OF COMPLAINT:** 02/18/05 **DATE OF COMPLETION:** 03/21/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to properly process the complainant's report.

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

**FINDINGS OF FACT:** The officer denied the allegation and supplied this investigation with a copy of the report in question. Investigation revealed the officer had properly processed the report, however; the hard copy of the report had been mishandled upon receipt in Records Management. The officer's actions in this matter were within Departmental guidelines and procedures.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 03/03/05 **DATE OF COMPLETION:** 03/07/05 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complaint raises matters not within OCC's jurisdiction and is referred to the San Francisco Sheriff's Department Internal Affairs.  
25 Van Ness Avenue  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**DATE OF COMPLAINT:** 03/04/05 **DATE OF COMPLETION:** 03/11/05 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complaint raises matters not within OCC's jurisdiction and is referred to the San Francisco Sheriff's Department  
ATTN: LT. AL Kennedy  
Internal Affairs.  
25 Van Ness Avenue  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 03/07/05 **DATE OF COMPLETION:** 03/14/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complaint raises matters not within OCC's jurisdiction and is referred to the

San Francisco Sheriff's Department  
ATTN: Lt. Al Kennedy  
Internal Affairs.  
25 Van Ness Avenue  
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 complaint raises matters not within OCC's jurisdiction.

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

**FINDINGS OF FACT:** The complaint raises matters not within OCC's jurisdiction and is referred to the San Francisco Sheriff's Department  
ATTN: Lt. Al Kennedy  
Internal Affairs.  
25 Van Ness Avenue  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** This complaint raises matters outside of OCC's jurisdiction. The complainant involves unidentified law enforcement agencies in Alameda County.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that he was accused of trespassing and an officer grabbed him from behind. The officer stated that the victim signed a citizen's arrest form to arrest the complainant for trespassing. There is a signed citizen's arrest form for trespassing. The officer's actions were lawful, justified, and proper.

**SUMMARY OF ALLEGATION #2:** The officer used excessive force at the scene.

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

**FINDINGS OF FACT:** The complainant stated that the officer beat him with a baton, handcuffed him, kicked him in the groin. The officer stated that the suspect assaulted him and he did strike the complainant with a baton on his thighs to defend himself. Witness Officers stated they responded to the call for a resisting suspect and saw the officer rolling on the ground wrestling with the suspect. They denied using excessive force and stated the officer was physically outmatched by the suspect. One witness saw the suspect start to walk away from the officer, and a struggle ensued. He said the officer dropped his baton, so the witness picked up the baton and struck the suspect a few times to get his attention, then gave the baton to the officer. The witness did not see any excessive force by the officers. The evidence established that the officer's use of force was appropriate to the circumstances.

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**SUMMARY OF ALLEGATION #3-5:** The officers handcuffed the complainant without cause.

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

**FINDINGS OF FACT:** The complainant said that he was relaxing in an area behind the victim's residence, but not on the actual property. The officer stated the victim had signed a citizen's arrest form and the suspect had assaulted him. The assisting officers saw the officer and suspect struggling so they assisted in handcuffing the suspect because he was resisting. One witness saw the suspect assault the officer. There is a signed citizen's arrest form from the victim. The officer's actions were lawful, justified, and proper.

**SUMMARY OF ALLEGATION #6:** The officer arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he was not doing anything wrong. The officer stated the victim had signed a citizen's arrest form and the suspect had assaulted him. Assisting officers saw the officer and suspect struggling. One witness saw the suspect assault the officer. There is a signed citizen's arrest form from the victim. The officer's actions were lawful, justified, and proper.

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**SUMMARY OF ALLEGATION #1:** The officer detained and questioned the individual without justification.

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

**FINDINGS OF FACT:** The complainant stated that her mental health client was detained at a residential care facility without justification. The named officer denied the allegation, although he stated to a fellow officer that he conducted a “consensual detention” with the individual. The evidence establishes that the named officer detained the individual (i.e., questioning, handcuffing, and conducting an identification query and cold show) without reasonable suspicion to do so, as defined by Department General Order 5.03/Investigative Detentions. As such, the allegation is sustained.

**SUMMARY OF ALLEGATION #2:** The officer handcuffed a person without justification or cause.

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

**FINDINGS OF FACT:** The officer denied the allegation. There was sufficient evidence to establish that the individual’s detention was inappropriate, rendering his handcuffing equally inappropriate. As such, the allegation is sustained.

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**SUMMARY OF ALLEGATION #3:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The named officer denied the allegation. The evidence establishes that the officer took police action (i.e., detention, handcuffing, questioning/identification check, cold show) against a person who did not substantially match a burglary suspect's description, other than being of the same race/color/ethnicity as the suspect and wearing dark clothing. As such, the officer violated Department General Order 5.17/Biased Policing, and the allegation is sustained.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**OCC Added Allegations**

**SUMMARY OF ALLEGATION #1:** The officer prepared an inaccurate/incomplete incident report.

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

**FINDINGS OF FACT:** The officer who prepared the incident report stated that she did not document an individual's detention, as it was reported to her that only a "consensual detention" had occurred. The officer stated that she had received no information regarding a person being handcuffed and questioned or being subject to an identification query and cold show. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer failed to issue a Certificate of Release.

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

**FINDINGS OF FACT:** There is no factual dispute that the person detained was not issued a Certificate of Release. There was evidence that the detainee was physically restrained (i.e., handcuffs) and subjected to a prolonged detention, which under Department General Order 5.03 II. A and C, should have resulted in a Certificate of Release being issued to the detainee. As such, the allegation is sustained.

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

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

**FINDINGS OF FACT:** The officer admitted that he entered the complainant's home without a warrant. The officer's explanation for the warrantless entry and search of the home did not comport with any of the limited number of exception which permit an officer to enter a home without having first obtained a warrant. Therefore the allegation against the officer is sustained.

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

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

**FINDINGS OF FACT:** The complainant identified the named member as having made the threat. The named member denied making the threat. There were no identified witness. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer threatened to handcuff the complainant.

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

**FINDINGS OF FACT:** The complainant identified the named member as having made the threat. The named member denied making the threat. There were no identified witness. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer made comments and behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The named member denied the inappropriate comments and behavior. There were no identified witness. There is insufficient evidence to prove or disprove the allegation.

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**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #1:** The officer filed an incomplete and inaccurate report.

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

**FINDINGS OF FACT:** The officer admitted to the entry and search of the home and his omission of reporting said actions into his police report. Department training manuals instruct officers to document in their written reports compliance with laws of search and seizure. The named member's failure to report the entry and search failed to comply with the departments training and procedures. Therefore the allegation against the officer is sustained.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/28/04 **DATE OF COMPLETION:** 03/11/05 **PAGE#** 1 **of** 1

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

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

**FINDINGS OF FACT:** The complainant stated that officers arrested him without cause for public intoxication. The officers reported that they observed the complainant exhibit objective symptoms of intoxication including falling into the street in front of traffic. The officers further stated that the complainant was arrested because he was unable to care for himself as proven by the complainant falling into street traffic. No witnesses came forward during the investigation. The complainant contradicted himself as to where he was standing when incident began. No witnesses contradicted officer's testimony. It was more likely than not that officers acted in accordance with Department General Orders and Penal Code.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/20/04    **DATE OF COMPLETION:** 03/14/05    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer threatened the co-complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. Witness officers denied hearing the alleged statements. A witness stated that the officers made comments to her regarding the co-complainant's presence on restricted private property. Additional witnesses were either not identified or failed to respond to the Office of Citizen Complaints request for an interview. There is insufficient evidence to determine whether the context of the officer's statements were in the nature of a threat or in the nature of advise regarding the restrictions on the property. The co-complainant did not respond to the Office of Citizen Complaints requests for an interview.

**SUMMARY OF ALLEGATIONS #2, 3, 4 and 5:** The officers issued the co-complainant an invalid order.

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

**FINDINGS OF FACT:** The officers denied the allegation. The officers stated that the area in which the co-complainant was located at the time of the incident is private property and that their contact with the co-complainant was for the purpose of determining whether or not he was authorized on the property, and if he was not, to advise him of the restrictions and rules regarding his presence on the private property. Additional witnesses were either not identified or failed to respond to the Office of Citizen Complaints request for an interview. There is insufficient evidence to determine whether the context of the officer's statements were in the nature of an order or in the nature of advise regarding the restrictions on the property. The co-complainant did not respond to the Office of Citizen Complaints request for an interview.

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**DATE OF COMPLAINT:** 07/20/04    **DATE OF COMPLETION:** 03/14/05    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #6, 7, 8 and 9:** The officers behaved in an intimidating manner.

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

**FINDINGS OF FACT:** The officers denied the allegation. The officers stated that the area in which the co-complainant was located at the time of the incident is private property and that their contact with the co-complainant was for the purpose of determining whether or not he was authorized on the property, and if he was not, to advise him of the restrictions and rules regarding his presence on the private property. A witness at the scene stated that she found the officers questions and behavior to be intimidating. The primary complainant who was not at the scene but overhearing the incident on the phone stated that she heard laughter in the background while a witness attempted to obtain the name and star numbers of the officers. The primary complainant believed the laughter was coming from the officers and believed such behavior to be inappropriate and intimidating. There is insufficient evidence to determine whether the context of the officer's statements and behavior were meant to intimidate. The co-complainant did not respond to the Office of Citizen Complaints requests for an interview. Additional witnesses were either not identified or failed to respond to the Office of Citizen Complaints request for an interview.

**SUMMARY OF ALLEGATIONS #10, 11, 12 and 13:** The officer's conduct was retaliatory in nature.

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

**FINDINGS OF FACT:** The officers denied the allegation for the same rationale as stated above. Evidence shows that numerous contacts have been made between the co-complainant and members of the San Francisco Police Department over a short period of time, however said contacts are in themselves insufficient to prove retaliation. There is insufficient evidence to prove the allegation. The co-complainant did not respond to the Office of Citizen Complaints requests for an interview.

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**DATE OF COMPLAINT:** 08/03/04 **DATE OF COMPLETION:** 03/04/05 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer cited the complainant on July 31, 2004 for selling merchandise without a permit.

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

**FINDINGS OF FACT:** The officer stated that he cited the complainant because he was selling CDs on a public street without the proper permits. The investigation revealed that the complainant held none of the permits required to sell merchandise on public streets. The officer's action was proper.

**SUMMARY OF ALLEGATION #2:** The officer cited the complainant on August 1, 2004 for selling merchandise without a permit.

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

**FINDINGS OF FACT:** The officer stated that he cited the complainant because he was selling CDs on a public street without the proper permits. The investigation revealed that the complainant held none of the permits required to sell merchandise on public streets. The officer's action was proper.



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**SUMMARY OF ALLEGATION #3:** The officer made an inappropriate comment to the complainant.

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

**FINDINGS OF FACT:** The officer denied making an inappropriate comment. There were no available witnesses. The investigation failed to disclose sufficient information to either 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 arrested the complainants without cause.

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

**FINDINGS OF FACT:** The officer stated that the complainants were taken into police custody for being intoxicated in public and not wearing seatbelts while riding in the bed of a pick-up truck not equipped to accommodate passengers. The officer's partner corroborated this statement. The complainant acknowledged that he was, in fact, in the bed of a truck at the time of the traffic stop and that he had been consuming alcohol prior to this police contact. The co-complainant did not respond to the OCC's request for an interview. Another passenger in the truck told the OCC that the complainants were significantly intoxicated at the time of the incident. The truck driver refused to provide his statement to the OCC. A preponderance of the evidence established that the officer had probable cause to take the complainants into police custody for the stated reasons.

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

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

**FINDINGS OF FACT:** The named member stated that the complainants were cited for not wearing seatbelts while riding in the bed of a pick-up truck not equipped to accommodate passengers. The officer's partner corroborated this statement. The complainant acknowledged that he was, in fact, in the bed of a truck at the time of the traffic stop. The co-complainant did not respond to the OCC's request for an interview. Another passenger in the truck told the OCC that the complainants were riding in the bed of the truck. The truck driver refused to provide his statement to the OCC. A preponderance of the evidence established that the officer had probable cause to cite the complainants for the stated violation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer yelled at and interrupted him during the incident. The named member stated that he indeed raised his voice at the complainants while ordering them to put their hands up and stop moving around. The named member's partner corroborated this statement. The co-complainant in this case did not respond to the OCC's requests for an interview. Another passenger in the truck at the time of this incident stated that the officers involved in this incident acted professionally and were actually "rather patient" with the complainants, who "kept interrupting" the officers' investigation. However this witness did not hear the entire interaction between the officer and the complainants. The driver of the truck declined to provide his statement regarding the incident. The available evidence is insufficient to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The named member denied using profanity during the incident. His partner corroborated this statement. The co-complainant in this case did not respond to the OCC's request for an interview. One witness to this incident stated that he heard profanity from the complainant but not from any of the officers. This witness acknowledge however that after being ordered out of the vehicle, he was placed at a distance from the complainants and he did not hear all of their conversation with the officers. The second witness to this incident declined to provide his statement regarding the occurrence. The available evidence was insufficient to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainants stated the officers lacked cause to arrest them since they were not positively identified as the persons who took merchandise from a store without paying for it, and because the co-complainant did not go into the store at all. The store owners/employees told the Office of Citizens Complaints that they positively identified the complainants, confirming the police report, which indicated that two cold shows had been conducted with positive results. Another witness told the Office of Citizen Complaints he had chased the two complainants, recovered a stolen item from them, and returned it to the store from which it had been taken, corroborating the victim's account to the police. The officers had sufficient cause to arrest the complainants and to charge them as they did.

**SUMMARY OF ALLEGATION #3-4:** The officers displayed rude attitudes/and or demeanor.

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

**FINDINGS OF FACT:** The complainants described the officers as having been angry and speaking rudely to them, but did not corroborate one another in any detailed manner. The officers denied that any of them were rude or angry. There were no independent witnesses to the interaction between officers and complainants. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5-6** The officers used excessive force at the scene.

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

**FINDINGS OF FACT:** The complainant stated that an officer threw him against the wall when handcuffing. The co-complainant stated that the same officer slammed a patrol car door against his knee more than once. The officers at the scene denied that any force was used by any officer. Witness officers and police records suggest that the officer specified as having used force may not have been on scene for the handcuffing and that he may not have placed the co-complainant in a patrol car, but there were no independent witnesses, and there was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainants stated a certain officer made a racially derogatory comment to them, telling them that they stood out in a white neighborhood and had no business being there. The officer denied making the comment or hearing it made by any officer, and the witness officers denied making or hearing the comment. San Francisco Police Department records suggest, but do not prove, that the officer named by the complainants was not one of those who handcuffed them and was unlikely, according to their description of events, to have made the alleged remark as described. There were no independent witnesses, and there was insufficient evidence to prove or disprove whether or not any other officer on the scene might have made the remark.

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**SUMMARY OF ALLEGATIONS #1-4:** The officers failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant stated that the officers failed to make an arrest when his restraining order was violated. The officers stated that the complainant could not provide any evidence of a restraining order and they could not find any evidence of a restraining order in the CLETS system. The investigation revealed that the complainant's restraining order was not in the CAD/CLETS system at the time of this incident. There were no witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATIONS #5-8:** The officers failed to prepare an incident report.

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

**FINDINGS OF FACT:** The officers stated that the complainant did not ask for a report, and, since they had insufficient reasons to believe that a crime had occurred, it was not necessary to prepare a report. There was no additional evidence to further prove or disprove this allegation.

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**SUMMMARY OF ALLEGATIONS #9-10:** The officers acted inappropriately.

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

**FINDINGS OF FACT:** The complainant could not identify the (two) officers in a photo spread and could not specifically describe the officers other than hair color. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #11:** The officer made inappropriate comments to the complainant.

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

**FINDINGS OF FACT:** The officer denied making inappropriate comments to the complainant. The officer stated that the complainant was angry and upset that a restraining order had not been entered into the CLETS system, which was not the officer's responsibility. The investigation revealed that a restraining order had been issued by the court but it had not yet been entered into the CLETS system. There were no witnesses to this conversation. There was no additional evidence to further prove or disprove this allegation.

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**SUMMARY OF ALLEGATION #12:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that the officer refused to take his complaint regarding a violation of a restraining order. The officer stated that he checked the CLETS system, which did not show that a restraining order had been issued. The officer stated that an assistant district attorney also told him that a restraining order had not been issued. The officer stated that the complainant wanted to file a complaint against the assistant district attorney and he did not ask that an incident report be prepared. The assistant district attorney failed to respond to the OCC's contact attempts. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #13-14:** The officers failed to take a citizen's complaint.

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

**FINDINGS OF FACT:** The complainant stated that two officers refused to take his complaint against an inspector. The complainant could not identify the officers in a photo spread and could not specifically describe the officers other than hair color. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.



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**SUMMARY OF ALLEGATION #1 - 4:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The officers denied the allegation. Witness officers reported that the force used at the scene of the arrest was necessary due to the complainant's resistive behavior. Witness by-standers said that the force used by the officers was not excessive. There were no witnesses to the alleged force used at the hospital. 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 failed to properly operate a patrol vehicle.

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

**FINDINGS OF FACT:** The complainant stated that the officer struck him with a police vehicle. The officer denied striking the complainant with his vehicle; he stated that he stopped the vehicle five feet away from the complainant. Another officer in the vehicle stated that the vehicle did not strike the complainant. One witness stated that he saw the vehicle bump into the complainant; another witness stated that it did not. The complainant's medical records do not support this allegation. There was no additional evidence to further prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The complainant was arrested for jaywalking and obstructing/delaying an investigation. The complainant acknowledged doing both of those actions. He was also arrested for battery on a peace officer. The complainant stated that he got into a "scuffle" with the officers. One witness stated that he saw the complainant resist arrest. An officer stated that the complainant kicked his knee and photographs taken that day documented his injury. Four officers supported this officer's statement. The officer's action was proper.

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**SUMMARY OF ALLEGATIONS #3-4:** The officer used excessive force during the complainant's arrest.

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

**FINDINGS OF FACT:** The complainant stated that the officer kneed and kicked him on the ground, and sprayed him with mace. One officer stated that he used a front leg sweep to take the fleeing complainant to the ground. He then applied a wrist rear lock in order to handcuff the complainant. The second officer stated that he used a two-handed bent wrist control to handcuff the resisting complainant. They denied using any other type of force, including mace/OC<sup>1</sup>. Three officers stated that they did not see these officers use any other type of force, or mace/OC. Two witnesses stated that the officers did not use any other type of force or mace/OC. Another witness stated that he saw officers use additional force, but not mace/OC. According to the complainant's medical records, he suffered bruises and abrasions and pain in his right hand. The complainant told the paramedics that he resisted arrest. The medical records do not support the complainant's allegation that he was sprayed with mace or OC. There is insufficient evidence to establish the level of force necessary to detain the complainant.

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

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

**FINDINGS OF FACT:** Each of the involved officers denied using and/or hearing a sexual slur. Three witnesses stated that the officers did not use a sexual slur. The complainant was unable to identify the officer in the allegation. There is insufficient evidence to prove or disprove the allegation.

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<sup>1</sup> Oleoresin Capsicum

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**DATE OF COMPLAINT:** 08/23/04 **DATE OF COMPLETION:** 03/14/05 **PAGE#** 3 of 6

**SUMMARY OF ALLEGATION #6:** The officer seized the complainant's personal property without cause.

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

**FINDINGS OF FACT:** Each of the nine involved officers stated that they never saw the complainant's property. One witness stated that he did not see the officers remove the complainant's property; two witnesses stated that they did see an officer remove the complainant's property. There was insufficient evidence to either prove or disprove this allegation.

**SUMMARY OF ALLEGATIONS #7-8:** The officer failed to properly process the complainant's personal property.

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

**FINDINGS OF FACT:** Each of the nine involved officers stated that they never saw the complainant's property. One witness stated that he did not see the officers remove the complainant's property; two witnesses stated that they did see the officer remove the complainant's property. There was insufficient evidence to either prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers failed to rinse his eyes with water after he was sprayed with mace. As stated in the findings of allegations 3-4, the evidence disproved this allegation. The allegation is unfounded.

**SUMMARY OF ALLEGATION #11:** The officer interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The onlooker stated that he refused to get onto the sidewalk when ordered to do so. The officer stated that he ordered the onlooker three times to get onto the sidewalk. After the onlooker refused these orders, the officer cited the onlooker for jaywalking. The officer's conduct was proper.

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**SUMMARY OF ALLEGATION #12:** The officer failed to inform the complainant of his *Miranda* rights.

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

**FINDINGS OF FACT:** The complainant stated that he was released to the care of the paramedics and was not interrogated. The officer's conduct was proper.

**SUMMARY OF OCC ADDED ALLEGATION #13:** The officer conducted a search beyond the scope of his authority.

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

**FINDINGS OF FACT:** The complainant denied being searched. The officer stated that, when he attempted to conduct a high profile cursory search, the complainant fled. Four officers stated that the complainant was not searched. One witness stated that the complainant was searched; one witness stated that the complainant was not searched. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF OCC ADDED ALLEGATION #14:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The officer stated that, for his own safety, he ordered the complainant to drop his cell phone because it could have been used as a weapon. He acknowledged that he has never seen anyone use a cell phone as a weapon. The investigation failed to disclose sufficient evidence to further prove or disprove that the officer issued an invalid order.

**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 for petty theft of money without cause.

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

**FINDINGS OF FACT:** The officer denied the allegation. The incident arose over a dispute over a taxi fare, whereby the complainant was a cab driver. The Office of Citizen Complaints spoke to one of the witnesses, who stated that she provided a \$100 bill to one of her companions to pay for the fare. The witness stated that the complainant did not return the correct change requested by her companion. The witness overheard the conversation between her companion and the complainant and reported the incident to the police. The issuance of a citation was proper.

**SUMMARY OF ALLEGATION# 2:** The officer cited the complainant for theft of personal property without justification.

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

**FINDINGS OF FACT:** The officer denied the allegation. The incident arose over a dispute over a taxi fare, whereby the complainant was a cab driver to several riders. The Office of Citizen Complaints spoke to one of the witnesses, who stated that one of her companions left her purse in the complainant's taxi as the driver left the scene with another passenger partially hanging out of his vehicle. It could not be determined whether the complainant had knowledge that the purse was left in his cab. There was insufficient evidence to prove or disprove the allegation.



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

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to discover all pertinent facts of the incident. The Office of Citizen Complaints learned during the course of its investigation that the complainant, a taxi cab driver, and one of his passengers became involved in a racially based argument. The officer failed to investigate this aspect of the incident by not seeking out the person involved in this argument. According to the interviewed witness, the principal basis of the dispute between the complainant and the passengers was a disagreement over the change due following the tender of a \$100 bill and the racial issue was secondary. This same witness was unwilling to name the unidentified percipient witness who argued with the complainant. The Office of Citizen Complaints attempted to interview the additional witnesses, but was unsuccessful in locating them out of state. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer made inappropriate comments.

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

**FINDINGS OF FACT:** The officer denied the allegation. One of the witnesses stated that she and her companions were physically separated from the complainant during the complainant's interactions with the named officer. As a result, there was no evidence to prove or disprove the allegation made by the complainant.

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**SUMMARY OF ALLEGATION# 5:** The officer wrote an incomplete and inaccurate Incident Report.

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

**FINDINGS OF FACT:** The officer denied the allegation. The complainant alleged that the officer's report inaccurately stated that the complainant agreed with officer's statements in the incident report. In his interview with the Office of Citizen Complaints, the complainant admitted that he had a physical altercation with at least one of the passengers during the fare in question and that he left the scene. The Office of Citizen Complaints was unable to interview all of the witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

**SUMMARY OF ALLEGATION# :**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer detained him without justification. The officer does not recall this incident and stated that it was unlikely such detention occurred. Although the officer was in the alleged area sometime after the time in question, there is not specific evidence to link the officer to a detention of the complainant. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer searched him without cause. The officer does not recall this incident and stated that it was unlikely such search occurred. Although the officer was in the alleged area sometime after the time in question, there is not specific evidence to link the officer to a detention or search of the complainant. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer threatened the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officer threatened to arrest him if he was seen again. The officer does not recall this incident and stated that it was unlikely such contact occurred. Although the officer was in the alleged area sometime after the time in question, there is not specific evidence to link the officer to a detention or search of the complainant. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer struck him with his baton. The officer and another denied the allegation. Attempts to locate witnesses identified by officers were unsuccessful. There is 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. Attempts to locate witnesses identified by officers were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1-2:** The officers failed to properly identify themselves.

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

**FINDINGS OF FACT:** The complainant stated that the officers approached her while in plain clothes and did not have their badges displayed or state that they were police. The officers stated that their stars were in plain view and that they identified themselves as police officers when they approached the complainant. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer stated that he searched the complainant incident to her arrest, retrieving a marked bill from her pocket after she was observed selling contraband to an undercover officer. The complainant admitted she made an illegal transaction prior to the search. Under the circumstances, the search was within policy.

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**SUMMARY OF ALLEGATION #4-5:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officers arrested her without cause but admitted that she had engaged in an illegal transaction some moments before the arrest. The officers described the illegal drug transaction they had observed and stated that they had cause for the arrest. Based on the complainant's own admission, the arrest was within policy.

**SUMMARY OF ALLEGATION #6-7:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that various officers made inappropriate comments as they were arresting her. The officers at the scene denied making or hearing any inappropriate comments. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #8-9:** The officers used a sexually derogatory term.

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

**FINDINGS OF FACT:** The complainant stated that the officers who arrested her used a sexually derogatory term when referring to her. The officers denied the allegation. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #10:** The officer threatened the complainant.

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

**FINDINGS OF FACT:** The complainant stated that an officer threatened her with bodily harm during an arrest. The officer denied the allegation. Other officers denied hearing a threat. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #11:** The officers conducted an improper strip search.

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

**FINDINGS OF FACT:** The complainant stated that two male officers came into the room where she was being strip searched by a female officer while the complainant was disrobed. The officers agreed the male officers came into the room. They stated the female officer needed assistance and that there was no female officer in the station to serve as back up. Department policies are silent on the question of requirement for a female officer to be present to back up an officer conducting a strip search of a female. Although it is specified that only females will participate in the strip search of female prisoners, there is no provision for those occasions when more than one officer is needed to conduct a search.

**SUMMARY OF ALLEGATION #12-13:** The officers used excessive force at the scene and during a strip search.

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

**FINDINGS OF FACT:** The complainant stated that officers were unnecessarily rough with her, throwing her against a vehicle and pushing her onto the ground with a knee in her back. The officers denied the allegations. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to properly document authorization for strip search.

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

**FINDINGS OF FACT:** SFPD was unable to provide OCC with a copy of a signed authorization for strip search form for this incident. The officer documented his request for approval and subsequent receipt of approval to conduct a strip search in his Incident Report. The officer stated he obtained his supervisor's signature and attached the approval form to the Incident Report when he submitted it. A supervisor recalled having signed the form, which was reviewed at the station and sent on to SFPD's records unit. There was insufficient evidence to establish whether or not the reporting officer obtained and attached the form as required.

**SUMMARY OF OCC ADDED ALLEGATION #2:** The officer wrote an incomplete/inaccurate Incident Report.

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

**FINDINGS OF FACT:** The Incident Report written in this matter failed to document the participation of an officer in the arrest of the complainant. The officer stated that he arrived at the scene after the complainant had been detained and assisted in the arrest. The detaining officers stated that the third officer came late to the scene. The reporting officer stated that he left the scene once the complainant was detained and had no knowledge that a third officer arrived and had assisted. There were no civilian witnesses. There was insufficient evidence to prove or disprove whether the reporting officer had knowledge of the presence and participation of the officer whose name was omitted from the report.

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

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

**FINDINGS OF FACT:** The affected party failed to respond to requests for an interview. There was insufficient evidence to determine the merits of the allegations.

**SUMMARY OF ALLEGATIONS #2-3:** The officers engaged in racially biased behavior.

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

**FINDINGS OF FACT:** The affected party failed to respond to requests for an interview. There was insufficient evidence to determine the merits of the allegations.

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**SUMMARY OF ALLEGATION #4:** The officer was discourteous.

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

**FINDINGS OF FACT:** The affected party failed to respond to requests for an interview. There was insufficient evidence to determine the merits of the allegations.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1 & 2:** The officers used profanity.

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

**FINDINGS OF FACT:** The officers denied the allegations. There were no other witnesses at the scene of the arrest. The investigation failed to disclose sufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #3 & 4:** The officers displayed their service weapons without cause.

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

**FINDINGS OF FACT:** The officers stated that their service weapons were displayed and pointed at the complainant as he was arrested inside of a residence he was burglarizing. Departmental records confirm the location of the complainant during his arrest. The evidence proved that the action which provided the basis for the allegation occurred, however said action was proper and justified.

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**SUMMARY OF ALLEGATIONS #5 & 6:** The officers used unnecessary force in the arrest of the complainant.

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

**FINDINGS OF FACT:** The officers denied the allegations. There were no other witnesses at the scene of the arrest. The investigation failed to disclose sufficient evidence to 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 detained the complainant without justification.

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

**FINDINGS OF FACT:** The officer and another officer denied the allegation. Although the officer admitted to speaking with the complainant, the officer denied detaining him as alleged. No other witnesses were identified. There is insufficient evidence to either 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 another officer denied the allegation. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer behaved inappropriately and threatened the complainant.

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

**FINDINGS OF FACT:** The officer and another officer denied the allegation. No other witnesses were identified. 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 ALLEGATIONS #1-2:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The officers stated that the complainant was detained for failing to yield while making a left turn, and for illegally tinted windows. There were no available witnesses, and the tint meter used by the officers did not produce a permanent record. There was no additional evidence to further prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The officers stated that they handcuffed the complainant after he was placed under arrest. The officers' conduct was proper.

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**SUMMARY OF ALLEGATION #5:** The officer cited the complainant for violating California Vehicle Code §14601.1(a) without cause.

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

**FINDINGS OF FACT:** Department of Motor Vehicle records confirmed that the complainant's license was suspended at the time of his detention. Department General Order 9.06 requires that vehicles being driven by drivers with suspended licenses be towed. The officers' conduct was proper.

**SUMMARY OF ALLEGATION #6:** The officer cited the complainant for violating California Vehicle Code §26708(a)(1) and §21801(b) without cause.

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

**FINDINGS OF FACT:** The officers stated that the complainant failed to yield while making a left turn. They also stated that, according to a department-issued tint meter, the tint of the vehicle's windows was illegal. There were no available witnesses, and the tint meter used by the officers did not produce a permanent record. There was no additional evidence to further prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The officers stated that they conducted an inventory search of the complainant's vehicle before it was towed. Department General Order 9.06 requires officers to conduct inventory of vehicles before they are towed. The officers' action was proper.

**SUMMARY OF ALLEGATIONS #9-10:** The officers had the complainant's vehicle towed without justification.

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

**FINDINGS OF FACT:** The officers stated that, after they discovered that the complaint was driving with a suspended license, they ordered the vehicle towed. Department General Order 9.06 requires officers to tow vehicles driven by drivers with suspended licenses. The officers' action was proper.

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**SUMMARY OF ALLEGATIONS #11-12:** The officers engaged in selective enforcement.

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

**FINDINGS OF FACT:** The officers stated that they detained the complaint for violating the California Vehicle Code, not because of his race. There were no available witnesses, and the tint meter used by the officers did not produce a permanent record. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant, by his own admission was in violation of a Stay Away Order. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant, by his own admission was in violation of a Stay Away Order and subject to arrest. 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 ALLEGATIONS #5-6:** The officer's used unnecessary force in the arrest of the complainant.

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

**FINDINGS OF FACT:** The officer's denied the allegation and stated the complainant was calm in his demeanor and cooperated with them without incident. However, there were no other witnesses and the investigation was unable to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer was dispatched on a 911 call. The nature of the call was unknown to dispatch and the officer as there was only static on the line. Upon making contact with the complainant and being told that the complainant had not made the call, the officer asked to look inside the complainant's apartment in order to ascertain that there was no one else in the apartment who made need assistance. When the complainant refused the officer's request, the officer did enter the apartment in order to confirm there was no one else in the apartment who may be in need of assistance. Having determined there was no one else in the complainant's apartment the officer left. The officer's actions were within Departmental guidelines in responding to a 911 call.

**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 officers denied the allegation and stated the complainant was arrested after he fled from the officers who were trying to investigate a report of an assault. Later, the complainant was subject to a Citizen's Arrest. Departmental records support the officer's version of the events. The officers actions were lawful and within Departmental guidelines.

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

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

**FINDINGS OF FACT:** The investigation revealed the officer handcuffed the complainant as a result of his fleeing on foot from them as they were trying to conduct an investigation. Shortly thereafter, the complainant became the subject of a Citizen's Arrest. Departmental records support the officer's version of the events. The officers actions were lawful and within Departmental guidelines.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers used unnecessary force in the arrest of the complainant.

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

**FINDINGS OF FACT:** The officers denied the allegation and stated the complainant ran from them and continued to elude them until he was taken to the ground and handcuffed. The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** This complaint stated that the detaining officers told him that he looked like someone they were looking for. The officers stated that another officer speaking with an informant received information that there was a male with a gun about to come out of a building. The officers said the suspect's description was provided to one of them over the telephone so they could immediately act upon the information as they work in the police district where the building is located. The officers stated that the complainant who fit the race, gender, and clothing description was seen a few buildings away from the building in question so he was detained. The officer who provided the suspect's and clothing description could not recall the specific details he provided to the detaining officers on the date in question. Moreover, the date of the detention was different than the date alleged by the complainant. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3-4:** The officers pat searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that each officer searched one side of his outer clothing. The officers stated that only one officer pat searched the complainant based on the fact that the complainant was near the area in question and fit the race, gender, and clothing description. The officer who provided the information to the detaining officers could no longer recall the specifics about the suspect's race, gender, and clothing description. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5-6:** The officers acted in a racially biased manner.

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

**FINDINGS OF FACT:** The complainant stated that he did not know why the officers detained him. The complainant stated that the officer told him that he looked like someone they were looking for, so he presumed this was a racially motivated detention. The officers stated that they relied on the gender, race, and clothing description given to them by another officer from an informant. The officer who provided the suspect's and clothing description could not recall the specific details he provided to the detaining officers on the date in question. There is insufficient evidence to either prove or disprove that the complainant's detention was racially motivated.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer misused his authority as a police officer.

**CATEGORY OF CONDUCT:** CRD      **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 failed to provide the complainant with a Certificate of Release.

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

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

**SUMMARY OF ALLEGATION #4:** The officer subjected the complainant to unnecessary force during the contact.

**CATEGORY OF CONDUCT:** ND **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 #5:** The officer conducted a pat search of the complainant without cause.

**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 #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer denied the allegation and stated the complainant crossed an intersection against a red light in his presence. There were no witnesses identified and 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:**