

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/15/09 **DATE OF COMPLETION:** 05/20/09 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1-4:** The officers detained the complainant and her friends without justification.

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

**FINDINGS OF FACT:** The complainant stated that she and her friends exited a club to smoke. They were walking towards their car when three plainclothes officers detained them for no reason. The officers denied the allegation. The witnesses did not respond to the Office of Citizen Complaints request to be interviewed. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**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 the officers struck her pregnant sister-in-law in the stomach with a fist and struck her boyfriend with a flashlight on the side of his head. The officers denied the allegation. The witnesses did not respond to the Office of Citizen Complaints request to be interviewed. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #7-10:** The officers used profanity.

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

**FINDINGS OF FACT:** The complainant stated the officers used profanity during this contact. The officers denied the allegation. The witnesses did not respond to the Office of Citizen Complaints request to be interviewed. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #11-14:** The officers engaged in selective enforcement.

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

**FINDINGS OF FACT:** The complainant stated that the officers picked them out of a group of mixed race persons that were walking in the same direction. The complainant said she felt that the officers actions were discriminatory. The officers denied the allegation. The witnesses did not respond to Office of Citizen Complaints request to be interviewed. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation

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**SUMMARY OF ALLEGATION #15:** The officer exhibited inappropriate behavior by planting drugs.

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

**FINDINGS OF FACT:** The complainant stated that the officer planted drugs on her sister-in-law who does not have a record. The officers denied the allegation. The witnesses did not respond to the Office of Citizen Complaints request to be interviewed. There were no other 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 threatened and harassed the complainant due to bias.

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

**FINDINGS OF FACT:** The complainant alleged that the officer threatened and harassed him due to bias. There is no dispute that the complainant was in violation of Municipal Police Code section 869 and that the officer took enforcement action based on the violation. The complainant alleged that the named member ignored the conduct of individuals of the same race as the officer that were allowed to engage in illegal conduct. 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 officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant alleged that the officers detained him without justification. The officers denied the allegation. The complainant admitted to a California Vehicle Code violation during the detention. The witness verified that the complainant was in violation of the California Vehicle Code during the detention. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS # 1:** The officer detained the complainant without justification on February 6, 2009.

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

**FINDINGS OF FACT:** The complainant stated he was driving his limousine delivering pizzas when the officer pulled him over. The officer stated that he observed the complainant speeding. Under MPC 1165, Department Bulletin 08-037 and Department General Order 5.08, the officer is permitted to make traffic stops on limousines to inspect limos for verification of prearranged travel and other reasons. The officer's actions were lawful and proper under the current laws and regulations regarding limousine regulations and enforcement procedures.

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

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

**FINDINGS OF FACT:** The complainant stated he was cited for no reason by the officer. The complainant stated that the passengers in his limousine were either hitchhikers or had jumped in his vehicle and the complainant had agreed to go party with them. The officer and his partner stated they observed the complainant pick up the passengers. The officer stated he believed the complainant was violating limousine regulations by doing so. A witness/passenger listed in the incident report stated the complainant picked them up and offered to drive them for a fee. The listed witness told OCC that they were not hitchhikers and did not jump in the limousine. The witness stated they negotiated a price with the complainant to take them to a destination and that they had no prior contact with the complainant before being picked up. The witness stated the complainant asked the witness to place a pizza box in his lap that the driver already had in the limousine. The witness denied asking the complainant to party with them as the complainant alleged. The complainant was cited for multiple violations of the Traffic Code and Municipal Police codes and for providing false information to a police officer. The investigation showed that the act alleged occurred, however said act was proper and justified.

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**SUMMARY OF ALLEGATION #3:** The officer towed the complainant's vehicle without cause or justification.

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

**FINDINGS OF FACT:** The complainant stated the officer towed his vehicle without cause. The officer stated he towed the complainant's vehicle pursuant to section 22655.5 CVC - The driver has been arrested for the same offense within the past year. The evidence showed that the complainant had been cited/arrested for the same violations in June of 2008, well within the past year. The evidence established that the act alleged did occur, however said act was proper and justified.

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

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

**FINDINGS OF FACT:** The officer denied the allegation. No other witnesses who came forward heard the alleged comment or observed the alleged action. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer and his partner were dispatched to investigate numerous calls regarding noise violations. When the officers arrived on scene they observed the complainant outside the building. From prior calls, this address was known to the officers as an address where illegal parties were held that did not have the required city permits. The officers observed the complainant wearing an earpiece and holding a hand held radio. The complainant confirmed he had these items on him and was using them to communicate with persons inside the building. The complainant was detained so that the officer could investigate the dispatched calls regarding noise violations and if there was an un-permitted party in the building. A preponderance of the evidence established the act alleged did occur, however the said act of detaining the complainant was proper and lawful so that the officer could investigate the dispatched call and further investigate what he observed once on scene.

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

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

**FINDINGS OF FACT:** The officer and his partner stated the complainant said he was in charge of the party inside the building. The complainant said he and his friends were throwing a private party inside the building. The officers made repeated requests to gain entrance to the building. The complainant refused to cooperate with their requests. The complainant said it was a private party and he was not required to cooperate with the officers. The complainant was arrested for delaying police and fire investigators. The evidence showed there was a non permitted party inside the building. Pursuant to safety and permit rules of the City and County of San Francisco, the officers had a right to enter the building. A preponderance of the evidence proved that the act, which provided the basis for the allegation, occurred, however such act was justified and lawful.



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**SUMMARY OF ALLEGATION #3:** The officer threatened the complainant and acted in an inappropriate manner.

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

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

**SUMMARY OF ALLEGATION #4:** The officer used profanity.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation. No other witnesses came forward during the investigation who heard the alleged profanity. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer entered the property without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers entered a property and did not have the right to enter. A preponderance of the evidence showed there were estimates of between 150-300 persons inside the building. The officers received information that admission was being charged to a party that had not been issued permits. Prior un-permitted parties had occurred at this address and recent violence had occurred in the area including a stabbing. The officers and members of the San Francisco Fire Department entered the building pursuant to multiple San Francisco city codes requiring safety checks and to determine if the required permits had been issued. The officers did not need a warrant to conduct permit and safety checks. A preponderance of the evidence showed that the act alleged occurred, however said act was justified and lawful.

**SUMMARY OF ALLEGATION #6:** The officer seized property without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer confiscated cash and other items from him. The complainant stated the cash was from a club party he promoted earlier that evening. The officer said he booked the items believing them to be evidence that the complainant was involved in managing the party. The officer stated he confiscated \$1,400.00 and admission tickets from the complainant's pockets as evidence that he was charging an admission to enter the party. The evidence showed that the act alleged did occur, however said act was appropriate, lawful and reasonable based on a totality of the circumstances that the officer knew at the time of the incident.

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**SUMMARY OF ALLEGATION #7:** The officer used unnecessary force during the incident.

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

**FINDINGS OF FACT:** The complainant stated the officer kicked his legs and knees because he tried to move from one sitting position to another. The complainant stated he moved because he saw a needle on the ground. The officer and his partner denied that the named officer kicked the complainant. The officer and his partner stated the complainant would not sit on the ground as instructed. The officer stated he swept the complainant's foot out from under him and the complainant then sat down. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer cited him without cause. The officer stated that he cited the complainant for being in the roadway. The complainant admitted to being in the roadway. 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 interfered with the rights of an onlooker.

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

**FINDINGS OF FACT:** The complainant alleged that the officer interfered with the rights of an onlooker. The officer denied the allegation. There were no witnesses that came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to comply with DGO 1.03

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

**FINDINGS OF FACT:** The Office of Citizen Complaints alleged that the officer did not comply with DGO 1.03. One officer denied the allegation and the other officer is no longer employed by San Francisco Police Department. 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 arrested the complainant without cause.

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

**FINDINGS OF FACT:** The officer arrested the complainant pursuant to a valid arrest warrant. The officer's action was proper.

**SUMMARY OF ALLEGATION #2:** The officer allowed an individual to enter the complainant's home without proof of residence.

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

**FINDINGS OF FACT:** This incident occurred in 2003. The named officer and two responding officers did not recall this incident. The individual who was allowed to enter the complainant's home could not be located. There was no additional evidence to further prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated he did not give permission for the officer to talk to his children at their school. The complainant stated the officer should have notified him before the officer's contact with them. The officer stated he spoke to the complainant's children who were at school, because they were victims. The officer stated the complainant's children were asked if they wanted their parents, school principal, or staff present during the officer's contact with them, but they did not want anyone with them. The officer reminded the school principal to follow her school procedures and contact the children's parents. The complainant and his children were initially contacted and interviewed earlier in the month by the primary officers who wrote an incident report. Per DGO 7.01 and the San Francisco Police Department School Crimes Handbook, the complainant was not needed to be directly notified regarding the officer's contact with his children, because the field officer already interviewed the children and complainant. The other officers already made a police report on the date of the battery and the complainant's children were determined to be victims and not arrestees. The witness said the officer notified her to contact the complainant and she spoke to the complainant after school about the officer's meeting with his children earlier in the day. The witness asked the complainant's children if they wanted her to be with them during their meeting with the officer but they did not want her there. The officers actions were in compliance with department policy.

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

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

**FINDINGS OF FACT:** The complainant stated the officer threatened to arrest his children if he came back to see him. The officer denied the allegation and stated he did not make any threats toward the complainant and his children during their face-to-face meetings at his department. The officer said the complainant met with him to discuss the investigation. There were no witnesses at the time besides the complainant's children who did not want to provide their statements at this time. There is insufficient evidence to prove or disprove the allegations made in the complaint.

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**SUMMARY OF ALLEGATION #1:** The officer demonstrated inappropriate behavior.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 6, 2009.

**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:** PC            **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant alleged the officer incorrectly titled an incident report and made inaccurate statements in the report. The investigation revealed the officer had some discretion about the title of the report, and that nothing about the characterization of the title prevented the case from being handled properly. The officer stated that his narrative was based on the information provided by the complainant verbally and in writing. The officer's statements accurately reflect the information provided to him by the complainant. The officer's conduct was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainants alleged that the officers detained them at gunpoint. The complainants were unable to identify the officers. The officers that were questioned denied the allegation. No witnesses came forward. 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 complainants alleged the officer used unnecessary force. The complainants were unable to identify the officer. The officers that were questioned denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officers used profanity.

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

**FINDINGS OF FACT:** The complainants alleged that the officers used profanity. The complainants were unable to identify the officers. The officers that were questioned denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately and/or made inappropriate comments.

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

**FINDINGS OF FACT:** The complainants alleged that the officer behaved inappropriately and/or made inappropriate comments. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5-11:** The officers entered and searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainants alleged that the officers entered and searched their residence without cause. The evidence shows that the officers responded to the complainants' residence regarding an assault with a knife in progress. The officers' entry was therefore under exigent circumstances that required them to take swift and immediate action. In addition, under exigent circumstances, police officers are allowed to conduct protective sweeps on places where a person who poses danger to the officers or others might be hiding. The evidence proved that the acts, which provide the basis for the allegations, occurred. However, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** A concerned citizen called 911 to report that a man wearing a bright orange sweatshirt walking a large black dog appeared to be casing houses. Several units were dispatched to this call, which was characterized as a "B" priority burglary. A complainant matched the description of the suspect and was detained for investigation. The officers' conduct was proper.

**SUMMARY OF ALLEGATION #3:** The officer threatened to shoot the complainants' dog.

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

**FINDINGS OF FACT:** A complainant stated the officer told him that if he didn't leash his Doberman dog, he would shoot the dog. The complainant further stated that when the officers tried to search him, his dog jumped on him. The named officer and his partner stated that the dog lunged at the named officer. The officer stated he told the complainant, "Control your dog, please. I don't know your dog. If your dog lunges again and tries to bite me, I will shoot the dog." In his interview, a complainant also stated that the officer told him, "I don't know your dog." One witness officer stated he saw the dog lunge at the named officer. The complainant acknowledged that his large dog was not secured and that the dog jumped on him while he was having contact with the officers. There is sufficient evidence that the Doberman posed a threat to the officer, and the officer was within his rights to warn the complainant to keep his dog under control or he would have to shoot it to protect himself.

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**SUMMARY OF ALLEGATION #4:** The officer used unnecessary force during a complainant's detention.

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

**FINDINGS OF FACT:** The complainant alleged that the officer "threw" him onto the hood of the patrol car. The officer stated that the complainant was acting strangely and refused to take his hands out of his pockets. He stated that, upon being handcuffed, the complainant threw himself "chest first" over the patrol car's hood and told officers to shoot him "like the BART cops. Shoot me in the back." The officer's partner stated that, once handcuffed, the complainant threw himself on the hood of the police car, yelling, "Are you going to shoot me like BART police?" The complainant stated that after the officer threatened to shoot his dog, the complainant asked the officer, "Why are you gonna shoot him? Shoot me. Are you one of the BART police? You gonna do the same thing to me?" None of the other officers at the scene saw the officer push the complainant onto the hood of the patrol car; however, this event could have occurred before the other responding officers arrived. There was no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer made inappropriate remarks.

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

**FINDINGS OF FACT:** The complainant alleged that the officer called him, "dumb and dumber." The named officer and his partner stated that the complainant referred to them as "dumb and dumber" when they could not correctly spell his name. One witness officer stated that the complainant gave the officer three different spellings of his name. None of the other officers who responded to the scene heard this conversation. There was no additional evidence to further prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant alleged that the officer used profanity. The named officer denied using profanity. The officer's partner also denied that the officer used profanity. None of the other officers who responded to the scene heard the officer use profanity. There was no additional 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 ALLEGATIONS #1-3:** The officers entered and searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** Dispatch received a call from a person who reported that the complainant was trying to lure little girls into his trailer. The reportee gave a specific description of the complainant, including his first name. Numerous officers responded. The complainant matched the suspect's description provided by dispatch. One of the named officers noted that toys were strewn around the trailer. The three named officers entered the trailer and conducted a visual sweep for children. None were found. The officers had a duty to investigate the possibility that children were being held against their will inside the complainant's trailer. The threat of immediate danger to children created exigent circumstances, and the officers had no need to obtain the complainant's consent before entering his trailer. The officers' conduct was proper.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**



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

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

**FINDINGS OF FACT:** The officer said he did not take the requested action because he did not have the authority to do so. The evidence established that the officer's statement was correct.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

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

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

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

**FINDINGS OF FACT:** The officer denied making the alleged statement. There were no witnesses. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer investigated and determined that no crime had been committed.

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

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

**FINDINGS OF FACT:** The complainant stated the officer at the station refused to take a report. The investigation was unable to identify the officer.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/27/08    **DATE OF COMPLETION:** 05/28/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officers drove improperly.

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

**FINDINGS OF FACT:** The complainant stated there were no witnesses. The officers denied the allegation or did not recall the event. There were no witnesses recalled by the officers in their statements. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/04/09      **DATE OF COMPLETION:** 05/11/09      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer issued him a citation without cause. The officer denied the allegation. There were no witnesses that came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer drove a departmental vehicle in an unsafe manner

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

**FINDINGS OF FACT:** The complainant alleged that the officer ran a red light prior to stopping him for a moving violation. The officer denied the allegation. There were no witnesses that came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/09/09 **DATE OF COMPLETION:** 05/26/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 18, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 18, 2009

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/17/09 **DATE OF COMPLETION:** 05/14/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 11, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/25/09 **DATE OF COMPLETION:** 05/02/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION:** #1 The officer failed to promptly respond to the scene.

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

**FINDINGS OF FACT:** The officers were preempted from the call to take another call for service closer to their location. The complainant's call was not dispatched for service. Therefore, the appropriate jurisdiction to address the alleged neglect of duty lies with the Department of Emergency Management, where dispatcher eight informed the complainant that his call was still on the board and would be dispatched as soon as an officer was available. This complaint shall be forwarded to:

Department of Emergency Management  
1011 Turk Street  
San Francisco, CA 94102  
(415) 558-3824

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/26/09 **DATE OF COMPLETION:** 05/02/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The preponderance of the evidence established that the act alleged in the complaint did not occur. Two independent witnesses to the complainant's interview denied the representations made by the complainant, and described his reaction to standard questions during a death investigation as unusual and very defensive.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/06/09 **DATE OF COMPLETION:** 05/26/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 21, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 21, 2009

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/06/09 **DATE OF COMPLETION:** 05/26/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 20, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/19/09    **DATE OF COMPLETION:** 05/20/09    **PAGE# 1 of 1**

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

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

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

US Department of Homeland Security  
Office of Professional Responsibility  
Immigration and Customs Enforcement  
1111 Jackson Street  
Oakland, CA 94607

**SUMMARY OF ALLEGATION #2:** This complaint raises matters outside OCC's jurisdiction.

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

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

US Department of Homeland Security  
Office of Professional Responsibility  
Immigration and Customs Enforcement  
1111 Jackson Street  
Oakland, CA 94607

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/02/09 **DATE OF COMPLETION:** 05/11/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 29, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/15/09 **DATE OF COMPLETION:** 05/02/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she gave the officers verbal consent to enter her residence, but later questioned her decision based on subsequent information regarding the subject sought by the San Francisco Police Department. The officer's actions were lawful and proper under the circumstances that the complainant gave her consent for the entry and search of her residence.

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

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

**FINDINGS OF FACT:** The complainant stated she gave verbal consent to an unidentified officer to search inside her residence, but later questioned her decision based on subsequent information regarding the subject sought by the San Francisco Police Department. The officer's actions were lawful and proper under the circumstances that the complainant gave verbal consent for the entry and search.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/22/09      **DATE OF COMPLETION:** 05/13/09      **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:**                      **FINDING:** IO2      **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  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/04/09 **DATE OF COMPLETION:** 05/19/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 13, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/17/09 **DATE OF COMPLETION:** 05/19/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1-2:** The officers detained the complainant without cause, searched the complainant's car without cause and arrested him without cause.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 13, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/15/09    **DATE OF COMPLETION:** 05/22/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION 1:** The officer behaved inappropriately.

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

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

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/17/08 **DATE OF COMPLETION:** 05/14/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant did not know the identity of the person against whom she is complaining. The complainant stated no witnesses knew the identity of the person against whom she is complaining. The person against whom she is complaining was in plainclothes, so it is not clear that he is a San Francisco Police Department officer. There is no record of San Francisco Police Department action at this location on this date and time. There is insufficient evidence to identify the alleged officer. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/21/09 **DATE OF COMPLETION:** 05/11/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated an unknown male assaulted her aboard a Muni coach. The officer and his partner arrived and the named officer took a report of the incident from the complainant. The incident was classified as a battery with an unknown suspect and forwarded to General Works Division. The complainant felt the incident report was mis-classified and instead should have been classified as a "hate crime" report and forwarded to the appropriate unit. However, the complainant admitted that the suspect "may" have used certain words that would have placed the case in the Hate Crimes unit, but she is unsure of what the suspect said. Furthermore, the complainant admitted she did not tell the officer what the suspect may have said to her so that the case could have been classified as a hate crime rather than a battery. The complainant's admissions and the incident report corroborate that the officer actions were appropriate when he wrote an incident report based on the complainant's account of what occurred. At no time was the officer provided information that the case had any hate crime indicators. Based on the investigation by the officer, the incident report was correctly classified as a battery. The evidence proved that the act alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/23/09 **DATE OF COMPLETION:** 05/16/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that black and white units and a white unit drove in an unsafe manner. The investigation showed that the San Francisco Police Department was not involved and that the identified units were from the San Francisco State University Police Department responding to a vehicle/pedestrian collision with injuries. The complaint raises matters outside OCC's jurisdiction. The complaint has been referred to:

Department of Public Safety  
San Francisco State University  
1600 Holloway  
San Francisco, CA 94132

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/27/09      **DATE OF COMPLETION:** 05/14/09      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

**CATEGORY OF CONDUCT:** CRD      **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:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/28/09 **DATE OF COMPLETION:** 05/06/09 **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:**            **FINDING:** IO2    **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  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/25/08 **DATE OF COMPLETION:** 05/02/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant's and officers statements were inconsistent. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/07/09 **DATE OF COMPLETION:** 05/11/09 **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:**                      **FINDING:**    IO2                      **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  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/08/09 **DATE OF COMPLETION:** 05/11/09 **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:** **FINDING:** IO2 **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  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/06/08 **DATE OF COMPLETION:** 05/06/09 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he should not have been cited and arrested. The complainant admitted he was conducting an illegal solicitation of travelers. The complainant admitted he did not have a Waybill, operating permit, or a certificate to do business at SFO. The officer issued citation (#94-190639) and arrested the complainant for violations in: (2) SFIA INF3 147(b) (2) for improper limousine operation @SFO, 147(e) (26) for altering passengers transportation choice, and 147 (b)(2)(a) for Waybill required. The officer arrested the complainant for violations of 602.1PC for obstructing or intimidating public agencies or customers; doing business at an Airport without the Airport Governing Board 602.4PC; and no charter-party carrier can engage in transportation services 5371 CPUC Code.” A witness/victim stated the complainant solicited her for providing transportation service to San Francisco. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant said the officer “strong armed” him into the patrol car. The officer stated he used a bent wrist control on the complainant’s left arm to get him into the patrol unit. The officer said the complainant was resisting and argumentative. The witness stated the complainant was not cooperative and resisted the officer. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/06/08 **DATE OF COMPLETION:** 05/06/09 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he should not have been handcuffed. The officer stated the complainant was not cooperative and grabbed his hand and held it during the initial investigation. The witness stated the complainant was not cooperative, argumentative, and resisted the officer. 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 searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer searched him without a search warrant. The complainant stated a plain view search was initially conducted on the complainant. The officer stated an arrest search was completed on the complainant. There is no dispute the complainant admitted he was legally not to be at the airport to solicit fares. The complainant was searched pursuant to the legal arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/06/08    **DATE OF COMPLETION:** 05/06/09    **PAGE#** 3 of 3

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

**CATEGORY OF CONDUCT:** ND

**FINDING:** NS

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated he was missing money and believed the officer took it from him. The officer stated he did not take any money from the complainant. There is no dispute the complainant admitted he reviewed and signed the San Francisco Police Department 315 Property Form, which did not list any cash from the complainant. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #6:** The officer harassed and made inappropriate comments and behavior.

**CATEGORY OF CONDUCT:** CRD

**FINDING:** NS

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated the officer harassed him. The complainant stated the officer told him he will would be arrested the next time he is at the San Francisco Airport Terminal conducting illegal pick up of fares and interfering with businesses. The officer stated he did not harass or make any inappropriate comments and behavior toward the complainant. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/09/08 **DATE OF COMPLETION:** 05/11/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the officers behaved and spoke to him inappropriately during a traffic stop. The officers denied this allegation and stated that the other officers behaved properly, as well. The complainant stated there were no witnesses to this event. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION :**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/08    **DATE OF COMPLETION:** 05/26/09    **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer searched the complainant's purse without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer searched her purse at the scene. The officer said that she conducted a cursory search of the complainant for weapons inside the complainant's purse, which was on her person. The search, incident to arrest was for officer safety and because this was a narcotics investigation. Per case law cursory searches are permitted for officer safety reasons.

**SUMMARY OF ALLEGATION #2:** The officer violated Department General Order 5.15 by threats.

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

**FINDINGS OF FACT:** The complainant said the officer threatened to report her to immigration. The officer denied the allegation. Other officers denied the allegation. One witness corroborated the complainant's version, however, his credibility is questionable. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/08 **DATE OF COMPLETION:** 05/26/09 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer used excessive force in employing tight handcuffs.

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

**FINDINGS OF FACT:** The complainant stated the officer handcuffed her roughly and tightly. The officer denied the allegation. There were no other witnesses to the rough handcuffing. The complainant's medical records do not document any visible marks or reports of complaining of wrist pain. There is insufficient evidence to determine that the officer used excessive force in handcuffing the complainant.

**SUMMARY OF ALLEGATION #4:** The officer arrested and transported the complainant to the station without cause.

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

**FINDINGS OF FACT:** The complainant stated she was arrested and taken to the station for no reason. The officer denied the allegation. Per Department General Order 5.03 officers have the authority to conduct investigative detentions including transportation to the station for further investigation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/08    **DATE OF COMPLETION:** 05/26/09    **PAGE** # 3 of 3

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to comply with Department Bulletin 07-049.

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

**FINDINGS OF FACT:** The CAD did not show an E585 entry for this traffic stop. The officer stated she did not make an E585 entry into the CAD but said she is not sure if she hand wrote the entry on the form. An E585 data search revealed that the officer did not make the entry as required per Department Bulletin 07-049.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/27/08 **DATE OF COMPLETION:** 05/11/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant identified actions he took before he was detained. These actions raised reasonable suspicion in the minds of the detaining officers that the complainant was involved in criminal activity. 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 officers harassed the complainant.

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

**FINDINGS OF FACT:** The complainant identified actions by officers, which were not harassing, but consistent with authorized methods of police work. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/03/08 **DATE OF COMPLETION:** 05/06/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer caused the complainant's vehicle to be seized without cause.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 30, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 30, 2009

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**DATE OF COMPLAINT:** 07/05/08 **DATE OF COMPLETION:** 05/11/09 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated the officers used unnecessary force to take her son into custody. The complainant's son stated two of his friends were involved in a fight. The reporting party called police, believing she observed a stabbing. As police arrived to investigate, the complainant's son admitted leaving the scene, but denied running. Another witness stated the complainant's son ran from the scene with his two friends. When the police sought to take the complainant's son into custody, he resisted arrest. The complainant's son admitted resisting, stating it took several officers to take him into custody. The officers denied using unnecessary force. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #4-5:** The officers arrested the complainant's son without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers had no probable cause to arrest her son for fighting, delaying an investigation or battery on a police officer. The complainant's son stated two of his friends were involved in a fight. A witness at the scene said that as the police arrived, the complainant's son ran from the scene. One of the detaining officers incurred injuries that he did not have prior to the arrest of the complainant's son, who admitted resisting arrest. The officers denied the allegation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

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**DATE OF COMPLAINT:** 07/05/08 **DATE OF COMPLETION:** 05/11/09 **PAGE #2** of 4

**SUMMARY OF ALLEGATIONS #6-8:** The officers failed to follow the Booking and Detention Manual.

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

**FINDINGS OF FACT:** The complainant alleged the officers failed to use due care when they arrested her son. The complainant alleged her son and his friends notified officers that he had a seizure disorder while they arrested him. The officers denied receiving information that anyone informed them that the complainant's son had a seizure disorder. They responded as backup officers. The responding officer told the officers the complainant's son was under arrest for fleeing the scene of a possible stabbing. The complainant's son admitted he was not actually having a seizure during his arrest, nor did he wear a Medic-Alert tag. He admitted resisting arrest. Although the complainant's son may have had a seizure disorder, the officers were not obliged to treat him as if he were actually having a seizure during the time of his arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #9:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated a responding officer used profanity during the course of her son's arrest, threatening to "break his fucking fingers" if he did not comply with orders. The officers denied the allegation. The witnesses did not overhear the entire exchange or were not present for this portion of the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #10:** The officer made inappropriate comments and acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated the officers threatened her son, stating if he did not comply with their orders, they would drop him on his head, knowing he had a seizure disorder, if he did not comply with their orders. The officers denied the allegation. The witnesses did not overhear this part of the interaction or were not present for this portion of the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #11:** The officer displayed a firearm without justification.

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

**FINDINGS OF FACT:** The complainant alleged the officer drew his weapon on her son without justification. The complainant said the officer had no basis to believe her son was a stabbing suspect, as reported to the police. A witness stated when the officer arrived; he wanted to talk to four men near him, one of whom was bloody and on the ground without a shirt on. When the officer ordered the men to stop and talk, the witness stated three men, including the complainant's son, ran from the scene, leaving the bloody man on the ground. The complainant's son admitted walking away from the scene and said at least one of his friends ran. The officer stated he was responding to an "A" priority stabbing call. When he arrived, he saw three men standing over a bloody man on the ground. When he identified himself as a police officer, the men fled. He pursued them on foot for a block, ordering them to stop. He pushed one of the suspects to the ground while his firearm was drawn. The other two suspects stopped running. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

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**DATE OF COMPLAINT:** 07/05/08 **DATE OF COMPLETION:** 05/11/09 **PAGE #**4 of 4

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

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

**FINDINGS OF FACT:** While drafting a citizens arrest form, the officer wrote that the suspect had committed a felony in the presence of a witness. This in fact had not occurred. The evidence suggested that this was a clerical error on the part of the officer. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/08/08 **DATE OF COMPLETION:** 05/02/09 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant said he parked his vehicle away from traffic to make a telephone call. The officer denied the allegation and stated he responded to a call of three juveniles trespassing onto a construction site. The officer said there were no juveniles around, but the complainant was sitting in his car directly in front of the construction site with the headlights off. The officer believed the complainant may have seen the juveniles or be involved as a driver for the juveniles or staking out the site or living out of his car. The officer also stated the complainant had slurred speech, red face, watery eyes, and since there were several containers with yellow liquid in his car with partial contents removed, the officer thought the complainant could also be intoxicated. Consequently, the officer detained the complainant pending further investigation. The other officer mediated and resolved the complaint in a non-disciplinary manner. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 15, 2008.



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

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

**FINDINGS OF FACT:** The officer denied the allegation. The only witness on scene mediated his complaint. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer searched the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant said he denied the officer consent to search his vehicle. The officer stated the complainant willingly agreed to a search of his vehicle. The only witness on scene mediated his complaint. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer searched the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 15, 2008.

**SUMMARY OF ALLEGATION #6:** The officer detained the complainant for a prolonged period of time without justification.

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

**FINDINGS OF FACT:** The complainant stated he was unnecessarily detained for fifty minutes. The officer stated he thought the complainant might be intoxicated and believed his vehicle could have been an instrumentality of a crime. Therefore, the officer denied the allegation and stated he and his partner, a trainee at the time, took the necessary length of time to conduct a thorough and complete investigation to ensure a crime was not being committed. As a certified officer to detect drug recognition and influence, the officer stated he saw in plain view certain containers inside the vehicle, which he later suspected contained insufficient amounts of crystal methamphetamine residue to test. The complainant and the officer gave conflicting statements about a lawful consent being granted to search the vehicle. The only witness on scene mediated his complaint. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 07/17/08 **DATE OF COMPLETION:** 05/04/09 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer failed to complete an incident report.

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

**FINDINGS OF FACT:** The complainant stated the officer did not write a report for the incident he reported on July 1, 2008, because the report could not be located when he followed up on his case with the Robbery Detail. The complainant had to have another report made eleven days after he reported the incident. The officer denied the allegation. The officer had no proof that he wrote the initial report and stated he is not required to keep a copy of every report he writes. A San Francisco Police Department incident report audit revealed that the officer did not write the original incident report. The officer violated DGO 2.01 Rule 5, Performing Duties and Rule 25, On-Duty Written Reports.

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

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

**FINDINGS OF FACT:** The complainant stated that the second incident report the officer wrote had the wrong date. The officer stated he inadvertently wrote "July 7, 2008 " instead of "July 1, 2008" in the narrative of the report. While the evidence does establish a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct.

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**DATE OF COMPLAINT:** 07/17/08 **DATE OF COMPLETION:** 05/04/09 **PAGE #** 2 of 2

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

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

**FINDINGS OF FACT:** In light of the sustained allegation above, the Office of Citizen Complaints added allegation was determined to be not sustained.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/11/08 **DATE OF COMPLETION:** 05/11/09 **PAGE#** 1 of 1

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

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

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

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

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

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

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**DATE OF COMPLAINT:** 08/20/08    **DATE OF COMPLETION:** 05/27/09    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that she saw a San Francisco Police Department officer push a female juvenile without any legitimate reason. All members involved in this police contact denied acting in the alleged manner. The complainant could not identify any of the officers involved in this incident as the one who allegedly used unnecessary force. The Office of Citizen Complaints attempts to locate the female juvenile and potential witnesses to the occurrence proved unsuccessful. The available evidence was insufficient to name any specific officer and to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer exhibited inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that she observed a San Francisco Police Department officer acting inappropriately towards a female juvenile. All members involved in this police contact denied acting at the scene in the alleged manner. The complainant could not identify the officer responsible for the alleged misconduct during a photo line-up. The Office of Citizen Complaints attempts to locate the female juvenile and/or potential witnesses to the occurrence proved unsuccessful. The available evidence was insufficient to name any specific officer and to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/20/08    **DATE OF COMPLETION:** 05/27/09    **PAGE#** 2 of 2

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to properly document use of force.

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

**FINDINGS OF FACT:** The complainant stated that she observed a San Francisco Police Department officer shove a female juvenile without any legitimate reason. All members involved in this police contact denied acting at the scene in the alleged manner. The complainant could not identify the officer responsible for the alleged misconduct during a photo line-up. The Office of Citizen Complaints attempts to locate the female juvenile and/or potential witnesses to the occurrence proved unsuccessful. The available evidence was insufficient to name any specific officer and to either prove or disprove the allegation.

**SUMMARY OF OCC ADDED ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

**CATEGORY OF CONDUCT:** UF            **FINDING:** 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:**



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**DATE OF COMPLAINT:** 09/03/08    **DATE OF COMPLETION:** 05/15/09    **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION # 1:** The officer towed the car without cause.

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

**FINDINGS OF FACT:** The complainant stated the car was new and had no plates but had a Department Motor Vehicle sticker on the windshield. The complainant stated that he was sitting inside the parked car listening to music and was not driving. The complainant did not have a valid California Driver's License despite having a residence address in San Francisco. The complainant did have an out of state license. However, the officer had the authority to tow the complainant's car pursuant to California Vehicle Code Section 12500 paragraph (a) in accordance with department policy.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer cited him for no plates, no drivers license and no registration, even though the car had a Department Motor Vehicle sticker because the car had been bought ten days prior. The officer cited the complainant pursuant to California Vehicle Code Section 5200 and 12500 paragraph (a) in accordance with department policy.

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**SUMMARY OF ALLEGATION #3-5:** The officers' exhibited inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant said the officers at the scene attempted to intimidate him by telling him he had no rights, putting his hands in handcuffs, calling him a drunk and pushing the complainant's shoulder. The officers denied the allegation. The witnesses did not come forward to be interviewed. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION # 6:** The officer used uncivil language.

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

**FINDINGS OF FACT:** The complainant stated the officer used a vulgar term when he referred to his Oregon driver's license. The officer denied the allegation. The witnesses did not come forward to be interviewed. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 09/03/08 **DATE OF COMPLETION:** 05/15/09 **PAGE #** 3 of 3

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

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

**FINDINGS OF FACT:** The incident report did not document that the officer communicated with the complainant in Spanish pursuant to DGO 5.20. The officer properly denied the allegation. The officer said the complainant spoke some English during the incident but the officer chose to speak to the complainant in Spanish. The officer is a certified bilingual Spanish speaker. The preponderance of the evidence proved that the complainant was English proficient, therefore the officer was not subject to the provisions of DGO 5.20 in communicating with the complainant.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 09/08/08 **DATE OF COMPLETION:** 05/15/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer had his camper towed because he had not moved it within 72 hours. The complainant said the required 72 hour notice notifying him to move his camper was not posted on his vehicle. The officer denied the allegation, stating he posted the 72 hour notice on the camper five days prior to the tow and properly marked the camper's tires. One witness stated that the required notice was posted on the camper prior to the vehicle being towed but did not elaborate as to how long the notice had been posted. Another witness stated she saw the notice posted on the vehicle more that 72 hours prior to the tow, and that she saw the complainant erasing tire chalking. The officer's conduct was lawful and proper.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 09/03/08    **DATE OF COMPLETION:** 05/28/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION 1:** The officer failed to prepare a police report.

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

**FINDINGS OF FACT:** The officer stated that he was willing to take information from the complainant to prepare a police report, but she was uncooperative with him, and refused to give him information needed to prepare the report. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION 2:** The officer behaved and spoke inappropriately.

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

**FINDINGS OF FACT:** The officer stated that the allegation was completely false. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 09/12/08      **DATE OF COMPLETION:** 05/02/09      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION # 1:** The officer exhibited inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officer was irate, out of control and unprofessional during their contact. The officer denied the contact. The witness officer was inside his patrol car during the incident and heard a car honking and someone yelling obscenities and then heard the officer provide his star and name but did not hear the officer yell. One witness corroborated the complainant. Another witness did not respond for an interview. 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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**DATE OF COMPLAINT:** 09/29/08 **DATE OF COMPLETION:** 05/18/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officer improperly cited him for a construction zone parking violation. The complainant is a contractor who admitted that he double parked his vehicle at the scene of a construction site. The officer denied the allegation, stating he observed a double-parked truck in the number one lane upon his arrival, without its driver in the vehicle. He saw the construction zone was not properly marked, in violation of applicable statutes. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer searched the passenger compartment of his truck and removed documents without probable cause. The complainant said he left his truck door unlocked and left it double-parked in the street to make a delivery. Upon his return, the complainant found the officer looking at papers he left in plain view inside the truck. The officer denied the allegation, stating he found the complainant's door unlocked. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer said he “knew his type.” The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**



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**DATE OF COMPLAINT:** 09/25/08      **DATE OF COMPLETION:** 05/02/09      **PAGE#** 1 of 3

**SUMMARY OF ALLEGATIONS #1-2:** The officers affected a traffic stop without justification.

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

**FINDINGS OF FACT:** The preponderance of the evidence established that the officers lawfully stopped the vehicle, because the right rear passenger was not wearing his seat belt while the vehicle was in motion in violation of section 27315(d)(1) of the California Vehicle Code.

**SUMMARY OF ALLEGATIONS #3-4:** The officers searched a vehicle without cause.

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

**FINDINGS OF FACT:** The preponderance of the evidence established that after the officers made a justifiable traffic stop, they discovered that the driver was unlicensed. Acting under mandatory requirements of DGO 9.06 and the S.F.P.D Traffic S.T.O.P. program, the officers were required to conduct an inventory search of the vehicle driven by someone who has never been issued a driver license. The officers' actions were lawful and proper.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers searched one or more detainees without cause.

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

**FINDINGS OF FACT:** The preponderance of the evidence established the officers conducted pat searches on three occupants incident to the arrest tow and prior to a required inventory search of the vehicle. The officers said they wanted to ensure none of the unrestrained occupants were armed while in close proximity to their inventory search of the vehicle and before the occupants could be released. The officers' actions were lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant said a passenger in a vehicle subject to an arrest tow told her after the fact that a Latin officer on scene made inappropriate comments in Spanish when the passenger asked why they were stopped. The complainant and the driver gave conflicting statements about this allegation. The officer denied the allegation and stated he does not speak or understand the Spanish language. Three witnesses on scene denied the allegation and two other witnesses on scene declined OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF OCC ADDED ALLEGATIONS #1-2:** The officers failed to follow proper procedures as detailed in DGO 5.20.

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

**FINDINGS OF FACT:** The complainant and the driver alleged the officers could not communicate with the occupants in the vehicle and summoned for a Spanish-speaking officer to the scene. There was no broadcast to request for a qualified bilingual officer, a civilian interpreter or any call to the language line. The officers and two additional officers from a unit that drove by and stopped to assist denied there was any language barrier with the driver or the passengers to warrant a qualified bilingual officer. Two other witnesses on scene declined OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 10/08/08 **DATE OF COMPLETION:** 05/22/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION 1:** The officer wrote an inaccurate/incomplete report.

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

**FINDINGS OF FACT:** The officer is no longer available and subject to Department discipline. The officer was called to active military duty and is no longer within the jurisdiction of the OCC.

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

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

**FINDINGS OF FACT:** The officer is no longer available and subject to Department discipline. The officer was called to active military duty and is no longer within the jurisdiction of the OCC.

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**DATE OF COMPLAINT:** 10/09/08 **DATE OF COMPLETION:** 05/29/09 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated officers detained him without justification during their investigation. The San Francisco Police Department had traced a prank 911 caller's location to the complainant's block. Officers searched for the prank caller by knocking on doors in the complainant's building. The knocking disturbed the complainant. He confronted an officer, advancing into his personal space. The other officers came to the aid of the first officer, and detained the complainant in handcuffs. The officers denied the allegation. The witnesses only observed the portion of the incident when the complainant was taken into custody. The Office of Citizen Complaints reviewed an edited video of the incident. It did not contain a continuous stream of what occurred at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #4-5:** The officers made inappropriate comments and acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainants stated the officers made inappropriate comments and acted in an inappropriate manner. One officer allegedly threatened a complainant with a night in jail for interfering with an investigation. The witnesses differed on what the officer actually said. The officer denied the allegation. Another unidentified officer allegedly told a complainant he was the "stupidest person in the world" because he allegedly attacked a police officer. No witnesses overheard this remark. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #6:** The officer failed to answer reasonable questions.

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

**FINDINGS OF FACT:** The complainant had two encounters with the officer and asked questions about an ongoing police investigation inside the building. The complainant stated the officer failed to answer his questions. The officer denied the allegation. The witnesses did not observe the entire incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #7:** The officer failed to issue the complainant a Certificate of Release.

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

**FINDINGS OF FACT:** The complainant advanced on the officer in a threatening manner. The officer detained the complainant and had him handcuffed near his apartment and then moved outside the front door of his apartment building. The complainant stated after he was uncuffed, officers never issued him any paperwork. The officer admitted physically restraining and moving the complainant. He said he failed to issue the complainant the required Certificate of Release. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the department, the conduct was improper.

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**SUMMARY OF ALLEGATION #8:** The officer failed to identify himself.

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

**FINDINGS OF FACT:** The co-complainant stated he requested the officer's badge number and the officer provided it in a hostile manner. The witness did not provide sufficient evidence to support the allegation. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #9-10:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated officers used unnecessary force in detaining him during their investigation. He said one officer reached for him and his natural inclination was to prevent the officer from doing so. The complainant further stated that officers grabbed him with unnecessary force in order to detain him. The officers denied the allegation. They stated the complainant advanced on an officer, extending his arms as he closed the distance between himself and the officer. The officers stated they immobilized the complainant's arms, and as they did so, the complainant resisted. The witnesses did not see the entire incident. The Office of Citizen Complaints reviewed an edited video of the incident. It did not contain a continuous stream of what occurred at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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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 alleged that the officer harasses him and treats him differently from how the officer treats other limo drivers. This is based on the complainant's beliefs: 1) the officer has cited him on three other occasions for invalid way bills when in fact the complainant states they were valid, 2) the complainant has filed prior OCC complaints against the officer, and 3) the officer did not check other driver's way bills on the date of this incident. The officer stated that he does not harass the complainant. The officer stated that the complainant is a habitual offender of illegal limousine activity at the airport and has been cited by other officers for the same violation of invalid waybills and other airport violations. This was corroborated by the OCC. The officer stated he did cite another driver at the same time for not having a valid waybill. The OCC contacted the San Mateo County court and corroborated that the officer did issue a similar citation to another driver at the same time. The officer stated that he contacted the airlines who confirmed that the way bill was invalid based on the name presented by the complainant to the officer. The preponderance of the corroborated evidence shows that the alleged act did not occur.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATION #1 & 2:** The officers discharged their weapons without justification.

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

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

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

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

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

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**SUMMARY OF ALLEGATION #5 & 6:** The officers wrote an inaccurate report.

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

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

**SUMMARY OF ALLEGATION #7 & 8:** The officers made false statements.

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

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

**FINDINGS OF FACT:** The complainant stated she was walking alone when the officer stopped her and asked her for her identification. The complainant stated she showed her Mexican Consular Identification Card and the officer told her it was trash, and that she needed a California Identification Card in 30 days. The officer did not recall the complainant's name or the complainant. The officer was off duty on the date and time of the incident. The evidence proved that the acts alleged in the complaint did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated she was walking alone, when the officer stopped her and asked her for identification. The complainant stated she showed the officer her Mexican Consular Identification Card and the officer told her it was trash, and that she needed a California Identification Card in 30 days. The complainant stated the officer kept referring to her as "Mister", despite that the complainant had identified herself as a female. The complainant stated she has seen the officer on several occasions outside a nightclub and the officer makes faces at her. The complainant stated she believes the officer is focusing on her based on her sexual orientation, her appearance, and associations with other transgender. The officer did not recall the complainant's name or the complainant. The officer was off duty on the date and time of the incident. The evidence proved that the acts alleged in the complaint did not occur.

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**SUMMARY OF ALLEGATION #3:** The officer failed to follow proper procedures as detailed in DGO 2.01.

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

**FINDINGS OF FACT:** The complainant stated she was walking alone, when the officer stopped her and asked for her identification. The complainant stated she showed the officer her Mexican Consular Identification Card and the officer told her it was trash, and that she needed a California Identification Card in 30 days. The complainant stated the officer kept referring to her as “Mister”, despite that the complainant identified herself as a female. The complainant stated she has seen the officer on several occasions outside a nightclub and the officer makes faces at her. The complainant stated she believes the officer is focusing on her based on her sexual orientation, her appearance, and associations with other transgender. The officer did not recall the complainant’s name or the complainant. The officer was off duty on the date and time of the incident. The evidence proved that the acts alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS # 1-2:** The officers exhibited inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant said that the officers tried to intimidate her. The officers denied the allegation. One of the investigating officers resigned. The witness did not respond to the Office of Citizen Complaints request for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS # 3:** The officer searched the complainant's belongings without consent.

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

**FINDINGS OF FACT:** The complainant stated that an officer searched her purse before she was arrested. One officer stated that a cursory search for weapons was made after they removed a weapon from the complainant's hand, and an arrest search was done when the complainant was placed under arrest. The officer's conduct was proper.

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**SUMMARY OF ALLEGATIONS #4-5:** The officers seized the complainant's keys without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers looked into her wallet, went through her pockets, and took her keys. The officers denied the allegation. One of the investigating officers resigned. The witness did not respond to the Office of Citizen Complaints request for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS # 6-7:** The officers placed the complainant in involuntary detention under W&I 5150 without cause.

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

**FINDINGS OF FACT:** The complainant said that she was handcuffed immediately and did not resist or do anything that could have possibly lead the officers to believe she was a danger to herself or others. The complainant stated that she has no history of mental illness. The officers denied detaining the complainant under W&I 5150. One of the investigating officers resigned. The witness did not respond to the Office of Citizen Complaints request for an interview. The complainant refused to sign a medical release, which would have aided in investigating this allegation.

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**SUMMARY OF ALLEGATIONS #8-9:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated she was the victim and was wrongfully arrested. At the time, the complainant said she had a traffic warrant and believed that the officers associated this with her being guilty and were biased against her. The arresting officer resigned from the Department. The report shows that the named member accepted citizen's arrests from both parties, but that the complainant was the primary assailant. Although the complainant stated she only had a misdemeanor traffic warrant, the record indicates she had an outstanding warrant in the amount of \$10,000 bail for five counts of resisting/delaying arrest and one count of vandalism. The officers properly arrested the complainant.

**SUMMARY OF ALLEGATIONS # 10-11 :** The officers failed to investigate the incident properly.

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

**FINDINGS OF FACT:** The complainant stated the officers did not investigate the incident because she was the victim not the suspect. The officers denied the allegation. One of the investigating officers resigned. The witness did not respond to the Office of Citizen Complaints request for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION # 12-13:** The officers failed to properly process the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that not all of her property was processed and items were missing. The officers denied the allegation. One of the investigating officers resigned. The witness did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION # 14-15:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that she requested the officers file a Child Protective Services report to protect a child that lives in the house. The officers denied the allegation. The officers stated there was no evidence that a child lived there at the time. The witness did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation. .



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

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

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

**FINDINGS OF FACT:** The complainant stated that she called for police assistance when she was denied treatment and asked to leave a medical facility because of her service dog. According to the complainant, the responding officers failed to take the necessary corrective actions concerning the clinic's violation of the ADA guidelines. The named members offered the Office of Citizen Complaints a different version of this police contact and its resolution but admitted that they did not document the incident in a written report. The Department Bulletin 07-311 mandates that members document all service animal related calls in an incident report. Given the named members' admission, the allegation was sustained.

**SUMMARY OF ALLEGATIONS #:** The officers exhibited rude and inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that the officers exhibited rude and inappropriate behavior and made inappropriate comments to her during the incident. The named members denied making the alleged comments. There were no identifiable witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The named member has retired and 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 acted inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged the officer acted inappropriately. The officer denied the allegation. There were no other witnesses that 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 searched the residence without cause.

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

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

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

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

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

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**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant alleged the officer wrongfully cited him for creating a traffic hazard. The complainant, a tour bus driver, admitted parking his bus in a white zone when another driver allegedly hit his bus. One witness overheard the officer tell the complainant he had parked his bus “wide,” outside a metered parking place’s line of demarcation. Both witnesses saw the complainant take photos of his bus contemporaneously with the incident. The complainant provided the Office of Citizen Complaints with the photos. They showed the bus parked at the scene with its tires outside the parking place’s line of demarcation. The officer denied the allegation, stating the complainant’s tour bus created a hazard. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant was riding a motorcycle and sustained minor injuries when he collided with an automobile, while the automobile driver was backing out of a vertical parking space. The complainant alleged the officer took an inordinate amount of time responding to the scene of this accident; and rudely asked the complainant inappropriate questions about the accident, the complainant's health and whether the complainant took a motorcycle safety course. An examination of the Computer Assisted Dispatch record indicates the officer responded in an appropriate manner. The officer contends the questions he asked the complainant about the accident, health and the safety course were a necessary part of the officer's investigation. A witness, who observed most of the interaction between the officer and the complainant, said he believed the officer was not rude to either the complainant or to the other involved party, however the witness was not present during the entire contact. There is insufficient evidence to either prove or disprove the allegations.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately during the contact. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer failed to promptly and politely provide his name and star number.

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to provide, promptly and politely, his name and star number. The officer denied the allegation and stated he provided the complainant his last name and star number. The officer stated he further told the complainant that his name and star number would appear on the citation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer wrote an inaccurate citation.

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

**FINDINGS OF FACT:** The complainant alleged that the officer wrote an inaccurate citation. The officer stated that the error was a typographical error. While the evidence does establish that a clerical error was made. There is no evidence that the clerical error constituted sustainable misconduct. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately. The officer denied behaving inappropriately toward the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer failed to take an OCC complaint.

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to take her OCC complaint. The officer was not identified. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately. The officer did not recall the contact with the complainant. There were no witnesses that came forward. There was insufficient evidence to either prove or disprove the allegations 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 used unnecessary force.

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

**FINDINGS OF FACT:** The complainant witnessed an incident in which the officer forcefully pushed an unknown individual in an effort to get the unknown male and other people out of the middle of the street. The complainant alleged the person, who was pushed, had complied with the officer's orders. Investigation of this incident determined a nearby nightclub had closed for the night, and a crowd estimated to be between 200 and 300 people gathered outside in the street. Several fights broke out and police officers from several stations were in place to restore order, keep the peace and prevent any fight from escalating to a level of uncontrollable violence. The officer stated the unknown male, described by the complainant, was highly intoxicated, non-compliant, instigating further confrontation with police, and acting belligerent towards the officer. Following the guidelines established in Department General Order 5.01, the officer pushed this individual in an effort to get the person to keep moving out of the area. 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 #1-4:** The officers entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers entered his residence without his permission and without a search warrant. The officers stated they were at the complainant's residence to conduct a parole search. The officers stated the parolee told them he lived at the complainant's residence, Department of Motor Vehicle and criminal history information depicted the parolee address was the same as the complainant's address. The officers told the complainant they were there to conduct a parole search. The preponderance of evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #5-8:** The officers searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers entered his residence, entered apartment number one and searched the room. The officers entered the complainant's residence to conduct a parole search. The officers conducted a protective sweep of the complainant's residence. One of the complainant's guest told the officers that the parolee stays there, in the lower level of the 2-story dwelling. The officers told the complainant they were there to conduct a parole search. The officers were in compliance with Department Rules, which accurately reflect the current state of the law; police may conduct a search of a parolee's residence, car, person, or property without articulating any present suspicion of criminal activity. The parole search is neither an entry to arrest, nor an arrest search and the parolee does not have to be there. There is no warrant requirement for the parole search. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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**SUMMARY OF ALLEGATION #9-12:** The officers intentionally damaged the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated the officers broke his front gate to gain entry into his property. The officers deny the allegation. The officers stated the gate had been damaged prior to their arrival. The officers stated the gate was closed and was secured shut with a piece of wire. The complainant told the officer the gate had been damaged on a previous warrant search of his property. A witness stated he left the complainant's residence, after the officers had left the residence. The witness stated the complainant unlocked the gate to let him out and the locking mechanism was in working order. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/21/08      **DATE OF COMPLETION:** 05/02/09      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to properly process the complainant's personal property.

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

**FINDINGS OF FACT:** The complainant stated that during the course of his arrest, two officers failed to properly process his personal property, contained in numerous shopping bags. The officers denied the allegation, stating the sole property they observed in the complainant's possession was a black leather purse containing illegal narcotics. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**



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**DATE OF COMPLAINT:** 12/15/08 **DATE OF COMPLETION:** 05/02/09 **PAGE #** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer seized the complainant's personal property.

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

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

**SUMMARY OF ALLEGATION #2:** The officer failed to list the complainant's personal property on the property receipt form.

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

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

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**DATE OF COMPLAINT:** 12/15/08    **DATE OF COMPLETION:** 05/02/09    **PAGE # 2 of 2**

**SUMMARY OF ALLEGATION # 3:** The officer searched 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 # 4:** The officer handcuffed the complainant without justification.

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

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

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**DATE OF COMPLAINT:** 12/18/08 **DATE OF COMPLETION:** 05/20/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer displayed inappropriate behavior and made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant alleged that the officer issued him a traffic citation and commented, "It doesn't take brains to read street signs." The officer had no recollection of the encounter with the complainant and denied the allegation. No other witnesses came forward. There was no additional 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:** 12/23/08 **DATE OF COMPLETION:** 05/26/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to provide the complainant medical treatment.

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

**FINDINGS OF FACT:** The complainant alleged that the officer did not provide him with medical treatment. The officer stated that he followed departmental policy and the complainant was provided medical treatment in a timely manner. 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:** CRD **FINDING:** **DEPT. ACTION:**

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 12/23/08    **DATE OF COMPLETION:** 05/16/09    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officer negligently responded to his call for service. The complainant alleged his neighbor assaulted him and the officer failed to arrest the neighbor. The officer responded, along with two backup officers. The officer interviewed the complainant and the neighbor. The officer also interviewed the complainant's landlord. There were no witnesses to the alleged assault and the complainant was not injured. The officer correctly determined she did not have sufficient evidence to make an arrest. The officer explained the citizens arrest process to the complainant. The officer properly investigated and documented the incident in a report. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer had a bad attitude toward him when conducting her investigation. The complainant alleged the officer would misstate what occurred during the incident. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated the officer's response to his call constituted disparate service, grounded in racial inequity. The officer responded to a call regarding an alleged assault between two feuding tenants. The officer interviewed all parties including the remote landlord, who confirmed the ongoing dispute. The officer brought two backup officers to the scene. The San Francisco Police Department has a policy regarding customer service and receipt of complaints. When the complainant was dissatisfied with the officer's response, she immediately summoned her sergeant to remedy the situation. The sergeant clarified the situation. The evidence proved that the acts alleged in the complaint did not occur.

**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:** M **DEPT. ACTION:**

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 4, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 4, 2009

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**DATE OF COMPLAINT:** 01/07/09 **DATE OF COMPLETION:** 05/14/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers entered his residence without cause. The evidence shows that the officers responded to the complainant's residence to arrest his son. The evidence shows that the officers entered the complainant's residence to accommodate his son's request to explain the situation to the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers searched his residence without cause. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #5:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately. The complainant said the officer attempted to place a bag the size of a baseball on his bookshelf. The officers that were questioned denied the allegation. The complainant was unable to identify the officer. The complainant's son could not recall any officer placing a bag on the bookshelf. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6-7:** The officers failed to provide medical treatment to the complainant.

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

**FINDINGS OF FACT:** The complainant alleged that the officers failed to provide him medical treatment. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 01/14/09 **DATE OF COMPLETION:** 05/26/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant was arrested pursuant to a valid arrest warrant. The officer's conduct was proper.

**SUMMARY OF ALLEGATIONS #2-5:** The officers used excessive force during the complainant's detention.

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

**FINDINGS OF FACT:** The complainant fled from the arresting officers after selling crack cocaine to an undercover police officer during a buy-bust operation. He knocked over an elderly woman before being stopped by one officer, who body-checked the complainant, knocking him into a building. Each officer denied that the complainant was kicked or hit on the head. While on the ground, the complainant's hands were forced behind his back. A second officer handcuffed the complainant him with the assistance of two other arresting officers. The second officer double-locked the handcuffs and checked them for tightness. Each officer stated that the complainant did not complain of tight handcuffs. At the station, the complainant complained of pain in his left side, ribs, neck and left thigh. He had an abrasion on his left thigh and a small cut on his wrist. One officer stated a sharpened wooden stick was discovered in the complainant's left rear pants pocket. The jail triage nurse told officers the complainant needed to be examined at San Francisco General Hospital prior to booking.

A request was made for medical records at San Francisco General Hospital but hospital staff could not locate any medical records for the complainant. There were no available witnesses and no additional evidence to further prove or disprove the allegation.