

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/08 **DATE OF COMPLETION:** 06/12/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for running a red light without justification. The complainant rode a bicycle. The complainant admitted he proceeded into the intersection while the light was still red. The officer stated he observed the complainant proceed prior to a traffic signal light changing from red to green. No witnesses came forward. 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 made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer told him he was unconcerned about his public safety. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that a man, clad entirely in black, scaled a ladder to his third story apartment building in the middle of the night, broke his window and burglarized his apartment and stole his medication. The complainant stated he successfully repelled the intruder with a pair of nunchuks, causing the man to fall off the ladder to the street below. The complainant said he left his apartment to look for the intruder and had no idea what happened to the intruder. The officers denied the allegation. They stated they entered the complainant's residence and found no evidence of a broken window or a burglary taking place. The evidence proved that the officers acted appropriately.

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

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

FINDINGS OF FACT: The complainant stated he was walking down the street when he was detained for no reason. A witness stated she observed the detention. Emergency Communications Department written records stated officers were searching for an African American male wearing a blue jacket, but the records do not state whether that person was a victim or a suspect of a robbery. The officer stated he believed the complainant, who matched the description provided by dispatch, was a possible suspect. The officer stated he did not learn that the description provided by dispatch was a description of the robbery victim until other officers responded to the scene. The complainant stated that he heard responding officers tell the officer that the victim, not the suspect, was wearing a blue jacket. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer exited his vehicle and ran up to the complainant with his gun drawn. A witness confirmed the complainant's statement. The officer stated he was searching for the suspect in an armed robbery and believed the complainant was a possible suspect based on information provided by dispatch. Emergency Communications Department records stated officers were searching for an African American male wearing a blue jacket, but the records do not state whether that person was a victim or a suspect of a robbery. The officer stated he held his firearm by his side for his own safety. Department General Order 5.02 allows officers to draw or exhibit their firearms in public when they believe it is necessary for their own safety or the safety of others. Here, the officer reasonably believed that the complainant was possibly an armed robbery suspect. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The officer stated he believed the complainant was a possible suspect in an armed robbery and handcuffed the complainant for his own safety. The complainant stated when other officers arrived at the scene, they informed the officer that the complainant matched the description of the victim, not the suspect. Officers have the discretion to handcuff when they believe it is necessary for their own safety and/or the safety of others. Even though he was mistaken, the officer believed that the complainant was a possible suspect in an armed robbery, and operating on that belief, conducted himself properly.

SUMMARY OF ALLEGATION #4: The officer failed to issue the complainant a Certificate of Release.

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

FINDINGS OF FACT: The officer stated he offered to provide the complainant with a Certificate of Release but the complainant refused to provide the officer with his name. The complainant stated that when the officer asked him for his name, the complainant told the officer to mind his own business. Without the complainant's cooperation, officer could not complete the Certificate of Release.

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SUMMARY OF ALLEGATION #1-4: The officers drew their weapons without justification.

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

FINDINGS OF FACT: The complainant said the officers pointed their weapons at him as he turned the corner inside the building. The officers stated that they were responding to a 911-dropped call and screaming in the background. The officers stated the building had an open door, they announced their presence prior to entering the building and doing a walkthrough. Per DGO 5.02 Use of Firearms, an officer has the authority to draw his or her weapon in the line of duty for his or her safety and the public's safety. In this incident the officers were responding to a building with an open door, where they did not know what to expect. Their actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said the officer was curt, rude and sarcastic toward her. The complainant stated the officer refused to provide her record when requested by the complainant to do so. The officer denied the allegation and stated she did not recall the complainant and the incident. No witnesses were identified who observed the contact. There is 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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SUMMARY OF ALLEGATION #1: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant failed to respond to repeated contact attempts to provide additional requested information. As a result, a proper investigation could not be conducted.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 2, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to assist the complainant.

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

FINDINGS OF FACT: The complainant stated she locked her car keys in her car, which was parked in a public garage. It was dark out and she was dressed in black. She stated she saw a patrol car pass by and tried to make contact. The passenger officer looked at her but kept going. According to the Vehicle Sign-Out Sheet, the unit assigned to the patrol car identified by the complainant was a solo officer. He stated he never saw or heard the complainant. According to personnel records, a two-officer unit was assigned to the patrol car identified by the complainant. The officers stated they were not assigned to the patrol car, stated the car is assigned to a different watch. The officer could not be identified. There were no witnesses and 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 ALLEGATION #1: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: There is no dispute that the complainant had been drinking and that she was impaired. The complainant attempted to leave the area where she had been parked and was stopped by the officer. During the course of the traffic stop, the complainant was found to be impaired, driving with a suspended driver's license, had an open half full bottle of alcohol. The complainant was arrested and her vehicle was towed. The officer's actions were lawful, proper and in compliance with Department orders.

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

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

FINDINGS OF FACT: The complainant said the officer touched her inappropriately during the "pat search" and made comments about her breasts. The complainant also said that she requested a Breathalyzer test vs. a blood test but the officer refused. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated that she slipped out of the handcuffs to scratch her leg. The complainant said when the officer noticed he picked her up from her biceps and slammed her to her knees to handcuff her again. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: A call to 911 was made regarding the complainant making threats. These officers responded to the call, and had a right to detain the complainant to investigate this allegation. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: Complainant had no evidence that this happened. No witness was identified. Both officers say they do not recall this event. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used force during the detention.

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

FINDINGS OF FACT: The complainant had no evidence that this happened. No witness was identified. Both officers say they do not recall this event. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5 & #6: The officers failed to issue any paperwork to the complainant.

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

FINDINGS OF FACT: The complainant had no evidence that this happened. No witness was identified. Both officers say they do not recall this event. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant had no evidence that this happened. No witness was identified. Both officers say they do not recall this event. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer engaged in inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant had no evidence that this happened. No witness was identified. Both officers say they do not recall this event. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: An officer denied having any contact with the complainant. The complainant's description of the offending officers was insufficient under the circumstances. Due to the lack of identifying information and the brief contacts there is insufficient evidence to specifically identify any officer. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer(s) engaged in selective enforcement.

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

FINDINGS OF FACT: An officer denied having any contact with the complainant. The complainant's description of the offending officer(s) was insufficient under the circumstances. Due to the lack of identifying information and the brief contacts there is insufficient evidence to specifically identify any officer. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant stated she was cited for failing to stop at a stop sign without probable cause. The officer stated he observed the complainant fail to stop at the stop sign. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. He did acknowledge telling the complainant (also a police officer) that she was not a “real cop” because of her unprofessional behavior during their contact. However, this comment does not rise to the level of misconduct. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he observed SFPD officers detaining two individuals without any legitimate reasons. The said individuals did not respond to the OCC's requests for their statements regarding the occurrence. The complainant was unable to provide any information concerning the events leading to the detention since he arrived at the scene after the fact.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without being able to articulate a reasonable basis for the detention. The complainant stated he had purchased a bottle of vodka for a friend and the bottle was sealed, and stored in an interior pocket of his inner clothing. He stated two officers detained him without justification, and asked him what he had in his pocket. The complainant said he told the officers he had nothing in his pockets that concerned them, but the officers detained him anyway. The officers denied the allegation, stating they observed the complainant walking toward them. They stated the complainant appeared to be intoxicated and displayed slurred speech and an unsteady gait. They observed the complainant carrying a bottle of clear liquid in his hand and saw an unsealed liquor bottle protruding from his upper clothing pocket. They ordered the complainant to stop so they could further investigate. The officers had articulable facts to detain the complainant to conduct a further investigation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer conducted an improper search of the interior of his clothing, reaching inside his jacket to remove a sealed bottle of vodka he had purchased for a friend. The officer denied conducting an improper search, stating the bottle of vodka was in plain view, with its neck and unsealed screwtop protruding from the exterior pocket of the complainant's jacket. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4: The complainant alleged the officer seized his property without cause.

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

FINDINGS OF FACT: The complainant alleged the named officer wrongfully seized his liquor purchase as the result of a tainted search and then wrongfully disposed of it. The officer denied the allegation, stating he seized the complainant's liquor because it was in an open container, in plain view, and in violation of applicable law. No witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation

SUMMARY OF ALLEGATION #5: The complainant alleged the officer cited him for an open container without justification.

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

FINDINGS OF FACT: The complainant alleged he did not have an open container in his possession and contended that it was in fact sealed. The officer denied the allegation, stating that the complainant carried two open containers. No witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was going to San Francisco General Hospital's methadone clinic when he was stopped for no reason by the named officers. One officer stated that the complainant was detained regarding a narcotics investigation. One officer stated he did not recall the event. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3 & #4: The officers searched the complainant's person without cause.

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

FINDINGS OF FACT: One officer denied misconduct, stating that the complainant had crushed crack cocaine crumbs in his hand, which the officers believed he crushed to avoid arrest. The officers conducted a probable cause search of the complainant because of this. The other officer stated he does not recall the event. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5 & #6: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: One officer denied misconduct, stating that the complainant had crushed crack cocaine crumbs in his hand, which the officers believed he crushed to avoid arrest. This officer stated that officers on scene conducted a probable cause search of the complainant's car. The other officer does not recall the event. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: One officer denied the allegation, stating that the complainant was not threatened by any officer. One officer did not recall the event. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #: The officer used profanity

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

FINDINGS OF FACT: One officer denied allegation, stating that “no officer used profanity in this incident.” The other officer does not recall the event. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: A caller to 911 complained of a residence break-in/ burglary. It was reasonable for the officers arriving on scene to suspect that juveniles outside this residence were involved in this alleged crime. It was also reasonable to suspect that the complainant, who ran from the scene, was involved in this alleged crime. However, many officers stated they do not recall the incident, and did not give factual statements about this incident. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2 - #4: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The officers stated to OCC that they drew their weapons due to the nature of call for officer safety and their SFPD training. The officers who drew weapon[s] were not identified by the complainants. Many officers stated they do not recall the incident, and did not give factual statements about this incident. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5 - #6: The complainant complained that the handcuffs were excessively tight.

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

FINDINGS OF FACT: The complainant stated that an unidentified male officer handcuffed him too tightly, and an unidentified female officer adjusted the handcuffs too tightly. The only female officer that CAD identifies as being on the scene states she does not recall the incident. Many officers stated they do not recall the incident, and did not give factual statements about this incident. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer threatened the complainants.

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

FINDINGS OF FACT: One officer questioned stated he did not threaten the complainant, and stated that he did not witness any SFPD officer making threats to the complainant. The officers who made threats were not identified by the complainants. Many officers stated they do not recall the incident, and did not give factual statements about this incident. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer failed to call a supervisor.

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

FINDINGS OF FACT: The officers stated they were not asked to call a supervisor. Many officers stated they do not recall the incident, and did not give factual statements about this incident. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer failed to properly investigate.

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

FINDINGS OF FACT: The officers stated that the investigation was appropriate. Many officers stated they do not recall the incident, and did not give factual statements about this incident. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and made inappropriate comments. Attempts to establish the identity of the alleged officer were unsuccessful. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to take required action. Attempts to establish the identity of the alleged officer were unsuccessful. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officers at the scene had taken some of the cash seized during his arrest. The officers questioned regarding this allegation denied the allegation. No witnesses came forward. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to release all of the money seized from him during his arrest. The officer stated that he was instructed by an assistant district attorney to withhold part of the complainant's money for "fines and fees." The assistant district attorney could not recall this specific incident. However, she said she could well imagine herself having the conversation with the officer. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that someone produced a false record but could not specifically attribute his allegation against a specific officer. No witnesses came forward. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the incident report was inaccurate. The officer who prepared and signed the incident report declared under penalty of perjury that his report is true and correct. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

SUMMARY OF ALLEGATION #1: The officer failed to waive fees.

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

FINDINGS OF FACT: The complainant stated an officer should have notified her regarding her recovered stolen vehicle by phone. The complainant said she incurred unnecessary storage, administrative, and towing charges while her car was at Auto Return. The complainant was upset that no one from the police contacted her. Per DGO 9.06 B. (2), the Communications Division shall make an attempt to contact the person who reported the vehicle theft, provided that he/she is a resident of 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 #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said an unidentified officer detained him without justification. The evidence did not yield sufficient information to name any specific officer. There was insufficient evidence to either prove or disprove SFPD involvement in detaining the complainant.

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

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

FINDINGS OF FACT: The complainant said an unidentified officer handcuffed him without justification. The evidence did not yield sufficient information to name any specific officer. There was insufficient evidence to either prove or disprove SFPD members were involved in detaining or handcuffing the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant said an unidentified officer put a hand around his throat and nearly choked him to keep his mouth open. The complainant said the officer also pushed his head down and kned him on both sides of his face during the arrest. The evidence did not yield sufficient information to name any specific officer. There was insufficient evidence to either prove or disprove an SFPD officer was involved in the force alleged.

SUMMARY OF ALLEGATION #4: The officer failed to comply with juvenile procedures.

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

FINDINGS OF FACT: : The complainant said he was a juvenile during this detention by an unidentified officer, who reported and handed him to two unidentified Immigration and Customs Enforcement agents. The evidence did not yield sufficient information to name any specific officer and there were no SFPD record found to substantiate the complainant was in fact transported by an SFPD member to a police station. There was insufficient evidence to either prove or disprove SFPD involvement in the detention of the juvenile complainant at a police station or reporting him to the Immigration and Customs Enforcement.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to follow proper procedures as detailed in DGO 5.15.

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

FINDINGS OF FACT: The complainant said an unidentified SFPD officer detained him, transported him to a police station, accused him of using and selling narcotics, and questioned him about his national origin. The complainant further said that after a SFPD officer notified Immigration and Customs Enforcement, two special agents responded to the police station, and took him into federal custody. The preponderance of the evidence did not yield sufficient information to name any specific officer. There was insufficient evidence to either prove or disprove SFPD involvement in detaining, transporting or reporting the complainant to the Immigration and Customs Enforcement.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:04/03/08 **DATE OF COMPLETION:**06/05/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/08 **DATE OF COMPLETION:** 06/16/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: Inappropriate behavior and comments.

CATEGORY OF CONDUCT: CRD

FINDING: IO-1

DEPT. ACTION:

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a member of the San Francisco Police Department. No referral.

SUMMARY OF ALLEGATION #2: Unnecessary Force.

CATEGORY OF CONDUCT: UF

FINDING: IO-1

DEPT. ACTION:

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a member of the San Francisco Police Department. No Referral.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/08 **DATE OF COMPLETION:** 06/16/08 **PAGE #** 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officer did not write an incident report. A search of San Francisco Police Department Records revealed that the officer did write an Incident Report for his contact with the complainant. The evidence proved that the officer acted appropriately pursuant to Department procedures.

SUMMARY OF ALLEGATION #4-5: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officers did not take any action to apprehend or arrest the suspect. San Francisco Police Department records revealed that the officer obtained medical treatment for the complainant and then investigated the incident. The officers located, detained, and transported the suspect to the station house where the suspect was Mirandized, questioned and then arrested. The evidence proved that the officers acted appropriately.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/08 **DATE OF COMPLETION:** 06/25/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: **FINDING:** IO2 **DEPT. ACTION:**

FINDINGS OF FACT:. The 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: 05/04/06 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants did not contact the OCC in response to requests for contact, and failed to provide requested evidence.

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:** 06/30/08 **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 stated he was issued a citation without cause for failure to yield to a pedestrian. The complainant stated the pedestrian was not in the crosswalk as he passed her. The officer stated he saw the complainant failed to yield to a crossing pedestrian and sped up to pass her. There are no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said he asked the officer to interview the pedestrian as a witness to the incident. The complainant stated the officer kept him within his car during the traffic stop. The officer denied the allegation. The officer stated he told the complainant that he would look for the female pedestrian after the citation was issued. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 1 of 1

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

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 06/27/08.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer stated he detained the complainant after he saw the complainant fail to come to a complete stop at a posted stop sign. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he cited the complainant after he saw the complainant fail to come to a complete stop at a posted stop sign. There were no witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainants stated the officer yelled at them and threatened to tow their car and arrest them when the complainant wrote on the citation, "Not agreed." The officer denied doing any of these things. Two officers who were at the scene for a portion of this incident stated they did not observe the officer acting inappropriately. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to properly issue a citation.

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

FINDINGS OF FACT: The complainant stated the officer ripped the citation of his ticket book, tearing the top right-hand corner of the citation. The last three numbers of the citation were partially ripped off the citation. The complainant stated that when he asked the officer for the last three numbers, the officer told him he'd see him in court. The officer stated he was not aware that the citation was torn and stated the complainant did not ask him about it. The complainant was not adversely affected by this and was able to protest the citation. There were no witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/08 **DATE OF COMPLETION:** 06/06/08 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1-2: The officers 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 June 6, 2008.

SUMMARY OF ALLEGATION #3: The officer's manner was threatening.

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 June 6, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/08 **DATE OF COMPLETION:** 06/06/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer failed to provide his name and star number.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 6, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer acted inappropriately during a traffic stop. The named member denied acting in the manner described by the complainant. There were no identifiable witnesses to this police contact. The available evidence was insufficient 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: 04/30/08 **DATE OF COMPLETION:** 06/06/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's comments were 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 June 5, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/08 **DATE OF COMPLETION:** 06/16/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 06/11/08.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/08 **DATE OF COMPLETION:** 06/25/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant threatened to kill him. A witness officer stated he did not hear the officer make inappropriate comments. This witness further stated the complainant threatened to shoot the officer. There were no other witnesses and no additional evidence to further prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer interrupted him, would not let him talk, and repeatedly told him to shut up and stand aside. The officer and three witnesses on scene denied the complainant was told to shut up, stated the conversation was in a normal tone of voice. The preponderance of the evidence proves that the alleged did not occur.

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

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

FINDINGS OF FACT: The complainant said he asked the officer to remove a juvenile who can visit, but cannot live in his ex-wife's apartment, which was verified with court records. Although the complainant's ex-wife told the officer that the juvenile was just visiting, the officer could not recall how he determined the juvenile was only visiting and that there was no proof he was living in the apartment. Two other witnesses on scene could not verify or deny the allegation due to a language barrier. There is insufficient evidence to determine whether or not the officer made sufficient and proper inquiries from all the parties of interest in relation to the juvenile in order to conclude that the juvenile was just visiting.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness on scene saw the officer saying something to the complainant, but he could not understand what the officer said in Spanish. Since there were no other witnesses on scene, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used excessive force during the contact.

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

FINDINGS OF FACT: The officer denied the allegation and a witness on scene could not verify or deny the allegation as he was walking in another direction at the time of the occurrence. Other witnesses interviewed stated they were inside the apartment building, and were unable to verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/08 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/08 **DATE OF COMPLETION:** 06/05/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/08 **DATE OF COMPLETION:** 06/11/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that officers entered her residence without a signed search warrant, but submitted to OCC a signed copy with a judge's signature on it. The complainant failed to respond to OCC requests for an interview. The preponderance of the prima facie evidence established that the affiant officer had court authority to enter to search the complainant's residence, as well as her son, and any storage areas located on her property. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #2-3: The officers intentionally damaged private property.

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

FINDINGS OF FACT: Although the complainant failed to respond to OCC requests for an interview, the preponderance of the evidence established that two officers executing a lawful search warrant forced open two interior locked doors during their protective sweep. The officers' actions were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/08 **DATE OF COMPLETION:** 06/11/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers towed a vehicle without justification..

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

FINDINGS OF FACT: The claimant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/08 **DATE OF COMPLETION:** 06/09/08 **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 alleged that the officers unlocked and opened his hotel room door without a warrant. The department records show that the officers were in "fresh pursuit" of the complainant who was identified as the suspect in an aggravated assault incident. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/08 **DATE OF COMPLETION:** 06/11/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant alleges the officer towed his vehicle without justification. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/08 **DATE OF COMPLETION:** 06/06/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: UA **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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/08 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: IO1 **FINDING:** IO-1 **DEPT. ACTION:**

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/08 **DATE OF COMPLETION:** 06/11/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant requested to withdraw the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/08 **DATE OF COMPLETION:** 06/02/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Due to lack of recall, the complainant provided a wrong date for this police contact. The OCC found out that this incident had been previously investigated and the investigation findings were communicated to the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/06 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 6

SUMMARY OF ALLEGATION #1 & 2: The officers used unnecessary deadly force against the complainant's brother.

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

FINDINGS OF FACT: The complainant stated that the named officers shot and killed his brother without justification. The complainant stated that he last saw his brother (the decedent) on the afternoon of the shooting at their home (which is located outside the city of San Francisco), in the company of the decedent's cousin. That afternoon, the decedent, along with other family members, were to attend the funeral of a family member, where the decedent was to serve as a pallbearer. The complainant considered it strange that the decedent failed to show up at the funeral that day.

The decedent's cousin stated that he last saw the decedent the night before the shooting at the decedent's home, where they had been planning a relative's funeral taking place the following morning. During a telephone conversation the cousin had with the decedent on the morning of the funeral, the decedent told him he was on his way to the funeral.

Department records indicate that the complainant's brother (the decedent) was shot by two uniformed officers as he drove a vehicle in their direction. Communications records indicate that forty-five minutes before the shooting, a civilian telephoned the police to report what appeared to be a drug transaction taking place inside a vehicle outside his home (located several blocks from the location of the shooting). This individual provided a description and license plate number for this vehicle, which Communications determined had been reported stolen. The two named officers were among the officers who responded to this broadcast.

The police report in this case states that the two named officers were on patrol when they saw the vehicle in question. They knew the vehicle had been reported stolen. The named officers stopped their marked patrol vehicle in the middle of the street facing the front of the stolen car and exited their vehicle. The decedent, who was behind the wheel of the stolen car, accelerated towards one of the officers (Officer #1), and both officers fired their weapons at the decedent in an attempt to end the threat against Officer #1. The decedent's vehicle crashed into parked vehicles on the opposite side of the street. Numerous officers responded to the scene, along with an ambulance, which transported the decedent to San Francisco General Hospital.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/06 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 2 of 6
Continuation of allegation #1-2

The San Francisco Medical Examiner's report states that the decedent died at San Francisco General Hospital five hours after being shot by police. This report states that the decedent sustained five or six gunshot wounds. The toxicology report yielded presumptive positive findings for amphetamines, cocaine and opiates, which, according to the Chief Medical Examiner, indicates that the decedent may have had these drugs in his system.

San Francisco Police Department records state that eight rocks of crack cocaine, a glass pipe used for smoking crack cocaine and a disposable lighter were recovered from the vehicle the decedent was driving at the time of the shooting.

Civilian Witness #1, who lives in an apartment overlooking the shooting scene, stated that she was inside her home when she heard approximately ten to thirteen gunshots fired in one group, without any pauses. Witness #1 moved to her front window, which overlooks the street where the shooting took place. Witness #1 saw police officers with their guns drawn and aimed at a car that had crashed into some parked cars across the street, yelling at the driver to put his hands over his head. Witness #1 then got her camera and took several photographs of officers gathered around and approaching the crashed vehicle.

Civilian Witness #2, who lives in an apartment facing the street where the shooting occurred, stated that as she was opening the windows that faced the street, she heard what she thought were firecrackers. When Witness #2 saw two people on the sidewalk across the street throw themselves on the ground, she realized those sounds were gunshots. Witness #2 looked to the south and saw a police car in the middle of the street and two uniformed officers running down the middle of the street towards a car that was slowly moving away from them, firing their weapons as they ran. Witness #2, who has never held a driver's license, estimated that the car was traveling faster than a normal walking pace and slightly faster than a running pace, but may have been traveling at the normal speed of a bicyclist. Witness #2 stated that she heard three or four gunshots and a second set of six gunshots.

Witness #2 retreated into her kitchen out of concern for her safety because shots were being fired. Witness #2 heard approximately three gunshots as she moved from her living room to her kitchen, then heard the sound of one vehicle impacting another. While in the kitchen, she heard officers tell someone to get on the ground.

Civilian Witness #3, the roommate of witness #2, told SFPD investigators she and a friend (Witness #4) were on the stairwell of her building about to leave when she heard gunshots outside, followed by a screeching sound. She looked out the front gate of her building and saw a blue car lose control and crash into a van across the street. Witness #3 and her friend went back inside her apartment. She heard officers yelling at someone to keep their hands where the officers could see them.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/06 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 3 of 6
Continuation of allegation #1-2

Civilian Witness #4 stated that he was standing at the gate of his friend's apartment building when he heard one set of gunshots fired in quick succession. He turned around and looked out through the grillwork of the gate to the street and saw a blue car coming up the street. Two officers were chasing the car and were approximately one-quarter block behind it. The officers may have had their weapons in their hands, but witness #4 never saw the officers firing their weapons. The blue car crashed into a van parked across the street. Witness #4 estimated that the car was not traveling faster than 20 to 25 MPH at the time. The officers surrounded the blue car and told the driver to put his hands in the air.

Civilian Witness #5 stated that he was walking along a street that intersects the street where the shooting took place. Witness #5 stated that as he crossed the street, he heard someone yelling from up the street "let me see your hands." Witness #5 saw two uniformed officers standing with their guns drawn near a double-parked Honda. One officer was standing near the right-rear fender or the right rear door of the Honda. The other officer was standing 5 to 10 feet directly behind the driver's side of the Honda. Witness #5 did not recall seeing a police car at the scene. Witness #5 began walking towards the officers and heard the officers yelling, "let me see your hands. Stop." As Witness #5 got closer, he noticed that the Honda's brake lights were on. He then saw the brake lights go off, and saw the Honda start moving slowly forward at a typical walking speed. As soon as the Honda started moving, the officer on the passenger side of the Honda began shooting, firing approximately nine shots in quick succession. Witness #5 did not see this officer in front of the Honda, and could not remember whether this officer moved at all. Witness # 5 did not see the second officer, who remained behind the Honda, fire his weapon. The Honda veered across the street and struck some parked cars across the street. Witness #5 estimated that five seconds elapsed from the time the shooting began until the Honda crashed.

Civilian Witness #6 prepared a written statement at the time of the shooting, but could not be located and interviewed by the OCC. In her written statement, Witness #6 stated that she was crossing the street on which the shooting took place when she heard a gunshot. She looked up the street and heard an officer twice say, "Put your hands up. Get out of the vehicle" to someone in a stopped car. This officer then said, "I think he has a gun." Witness #6 then heard shots fired. Witness # 6 then saw officers remove the decedent from the car.

A canvass of the area by San Francisco Police Department officers shortly after the incident and by OCC several months later failed to identify other individuals who saw the shooting.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/06 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 4 of 6
Continuation of allegation #1-2

The first named officer (Officer #1) stated that he was driving a marked patrol car with officer #2 in the passenger seat when they heard Communications broadcast information about a blue or gray Honda involved in a narcotics transaction in the area they were patrolling. Officer #2 told him that the license plate number provided for this car indicated it had been reported stolen. Shortly after receiving this information, they were driving down a street and saw this car stopped at the curb facing in their direction with the decedent behind the wheel. Officer #1 stopped his patrol car in the middle of the street and he and Officer #2 exited the vehicle. Officer #1 could not see the decedent's hands. Officer #1 ordered the decedent to show his hands and exit his vehicle while walking towards the decedent's car with his firearm drawn and pointed at the decedent. Officer #1 stated that because of the prior report of alleged drug sales with cash seen in the car, he believed this might be a dangerous situation and intended to effect a felony stop on the vehicle, which he does whenever he stops a stolen vehicle. The decedent accelerated his car towards Officer #1 who believed the decedent intended to hit him with his car and kill him. Officer #1 stated that because he was next to the driver's side of his patrol car, he had little space to maneuver as the decedent's car approached him and within twelve to fifteen inches of his chest. Officer #1 said he fired his firearm an unknown number of times at the decedent while moving backwards and attempting to move out of the path of the decedent's car. Officer #1 stated that he fired because he believed the decedent was attempting to kill him by running him over with his car. Officer #1 stated that he stopped firing when the decedent's car passed him, but he did not recall where he was in relation to his patrol car when he stopped firing. Officer #1 stated that the decedent's car continued across the street and crashed into another vehicle. Officer #1 and officer #2 ran after the car and ordered the decedent to show his hands. As Officer #1 was running towards the car, he broadcast a call for assistance, reporting that shots had been fired. Backup officers then arrived and removed the decedent from his vehicle.

The second named officer (Officer #2) confirmed his partner's statements about seeing the decedent behind the wheel of a car that had been reported stolen. Officer #2 exited the passenger side of the patrol car, drew his firearm and repeatedly ordered the decedent to put his hands up, which the decedent failed to do. Officer #2 heard the decedent start his car and saw him drive towards Officer #1, who was on the driver's side of the patrol car. Officer #2 could not estimate the car's speed. Officer #2 thought the decedent was going to kill Officer #1 by running him over. Officer #2 fired his firearm at the decedent while standing near the right front fender of his patrol car. He stopped firing because he did not want to fire towards his partner but did not recall how many times he fired. Officer #2 said he did not recall seeing the car go by his partner, did not remember seeing his partner move out of the vehicle's path or see his partner back up against the patrol car because he was focused on the decedent. The decedent's car passed the patrol car on the driver's side and sideswiped a vehicle parked on the opposite side of the street and stopped. Officer #2 stated that he did not know exactly where his partner was when the car crashed. Officer #2 ran after the car while attempting, without success, to transmit over his radio. Officer #2 and his partner approached the decedent's car and waited until backup units arrived to remove the decedent from the car.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/06 **DATE OF COMPLETION:** 06/21/08

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Continuation of allegation #1-2

The examination of the crime scene and of physical evidence by the San Francisco Police Department Crime Scene Investigations Unit established that seven rounds were fired by Officer #1. Shell casings ejected from Officer #1's firearm were located near the rear of the patrol car, and behind and to the right of the patrol car's right-rear fender. It also established that two rounds were fired by Officer #2. Shell casings ejected from Officer #2's firearm were located to the right and slightly in front of the right front fender of the patrol car. The crime scene report also stated that the decedent's car traveled 147 feet from the position where it was parked when the officers first observed it to the position where it came to rest against some parked cars.

An examination of the car the decedent was driving by the San Francisco Police Department Crime Scene Investigations Unit included preparation of a trajectory and impact analysis of the bullets that struck the vehicle. It was not possible to determine an accurate angle of entry for some of the trajectories because of deflection of bullets. The analysis indicated that three of the rounds struck the front hood of the vehicle, apparently fired towards the front of the vehicle. One of the rounds struck the front windshield and the rearview mirror of the vehicle and was apparently fired towards the front of the vehicle. One of the rounds penetrated the driver's side door.

Department policy and case law prohibit the use of deadly force except in the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury or in the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.

In reviewing the reasonableness of the officer's use of deadly force, allowance is made for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.

In this case, both named officers stated that they fired at the decedent's vehicle as he drove towards Officer #1 with what they believed was an intent to run over Officer #1, causing his death or serious bodily injury. Officer #1 said he ceased firing when the car passed him and the threat had passed. Officer #2 said he ceased firing when he realized his partner was in his potential line of fire.

Only one witness (Witness #2) stated that she saw officers firing at the car after it had passed them. This account was contradicted by Witness #4, who was at the gate of Witness #2's building. Additionally, neither the trajectory analysis nor the Medical Examiner's report document any shots striking the decedent's car from behind, and no evidence was found of bullets striking objects located in the direction in which the decedent's car traveled.

A preponderance of the evidence supports a finding that the officers fired defensively while the decedent's vehicle was moving towards Officer #1. Multiple rounds of ammunition struck the vehicle from the front. There were no shots that struck the vehicle from behind, nor any other forensic evidence that suggested shots towards a departing vehicle. Only one civilian witness contradicts the officers' statements that they ceased firing appropriately. One round of ammunition penetrated the decedent's driver's side door. This shot could have come from an angle, or could have been fired towards the side of the vehicle. While no definitive finding is possible regarding the trajectory of this bullet, it is more likely than not that this round of ammunition was fired within the response time of an officer who reasonably perceived the vehicle to be approaching Officer #1 with deadly force.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/13/06 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION # 3 & 4: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PF

DEPT. ACTION:

FINDINGS OF FACT: In a written complaint, the complainant stated that the San Francisco Police Department had failed to release the police report concerning his brother's fatal shooting by officers. During an interview with the OCC conducted a day after the letter was written, the complainant stated that he had received a police report but that the names of witnesses had been redacted. The two homicide inspectors assigned to investigate the fatal shooting stated that they had not received any requests for the police report. The written record of investigation prepared by these inspectors states that a colleague of theirs met with members of the decedent's family five days after the fatal shooting. It states that during this meeting, family members requested the police report and were told the investigation was on-going and the police report would not be available for some time. Current Department policy allows investigating officers to seal police reports in officer-involved shootings and in-custody death cases until a criminal investigation has been completed. The criminal investigation is not considered to be completed until the District Attorney's office determines whether to file charges against involved officers. In this case, the District Attorney's office received the results of the homicide investigation over a year ago but has not yet determined whether charges will be filed. The evidence established that the actions of the named officers and the Department were justified by Department policy and procedure. Therefore, the OCC recommends that the Department revise its procedures to allow release of police reports to the family of the deceased in cases involving fatal officer-involved shootings, in-custody deaths and fatal vehicle collisions involving Department members.

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COMPLAINT SUMMARY REPORT**

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

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

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

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

San Francisco Fire Department
698-2nd Street
San Francisco, California 94107

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/08 **DATE OF COMPLETION:** 06/06/08 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 06/23/08.

SUMMARY OF ALLEGATION #2: The officer's manner and behavior were 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 06/23/08.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/06/08 **DATE OF COMPLETION:** 06/12/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: IO(2) **FINDING:** IO(2) **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/07 **DATE OF COMPLETION:** 06/21/08 **PAGE# 1 of 6**

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

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

FINDINGS OF FACT: The complainant stated that on August 15, 2004, he was standing on a street corner when the officer approached him, and demanded he produce identification. The officer stated that on August 15, 2004 he was assigned to the U.N. Plaza to enforce section 869 of the Municipal Police Code, the selling of items on public sidewalks without a permit. The officer said he saw the complainant loitering in the U.N. Plaza with a large backpack before going inside a donut shop for an hour from where the complainant waited and monitored whether the officer had left the area. The officer said that during a consensual encounter to inquire about the complainant's business in the area, the complainant committed a battery against him by pushing him in the chest. There were no known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him after he told the officer he had no identification. The officer stated he handcuffed the complainant pursuant to his arrest for battery upon a police officer during their consensual encounter. There were no known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him for having no identification. The officer denied the allegation and stated he arrested the complainant for committing a battery upon a police officer during their consensual encounter. There were no known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used excessive force while in custody.

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

FINDINGS OF FACT: The complainant said the officer unnecessarily pushed him on the chest after he was handcuffed, causing him to fall back onto his knees. The officer denied the allegation and stated he held his baton at the on guard position for a two-hand sweep strike after the complainant had pushed him in the chest. The officer also stated that he then ordered the complainant to place his hands on his head and once the complainant complied, he handcuffed the complainant. There were no known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that on August 15, 2004, the officer made a number of inappropriate comments during the detention that resulted in an arrest. The complainant said the officer told him he was suspicious, a terrorist, a cousin of Osama Bin Laden, and had no right to speak. The complainant said the officer also told him he was arrested for having no identification, for being illegal in this country, and that he would be deported. The complainant also stated the officer mocked him and said he was crazy because he takes medication. The officer denied the allegation. There were no known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officer detained him on May 3, 2006 while crossing Market Street on 7th Street for no justified reason. The officer stated that he detained the complainant pending an investigation of a stay away order he reasonably believed was issued by the judge when he appeared in court regarding the complainant's arrest of August 15, 2004. The officer could not confirm the existence of a stay away order during a computer search at the police station. Court records provide insufficient evidence to ascertain whether or not the judge issued a verbal order to stay away from the area of U.N. Plaza when the court released him on his own recognizance on August 17, 2004. There is insufficient evidence to either prove or disprove the officer had reasonable suspicion to detain the complainant.

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

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

FINDINGS OF FACT: The complainant said the officer detained him without justification on May 3, 2006 while crossing Market Street on 7th Street. The officer stated that he detained the complainant pending an investigation of a stay away order he reasonably believed was issued by the judge when the officer appeared in court regarding the complainant's arrest of August 15, 2004. During a pat search incident to the arrest on May 3, 2006, the officer found an ice pick concealed and placed in such a manner that would allow the complainant quick and easy access to use it as a concealed stabbing weapon. Although the officer could not confirm the believed stay away order, the officer booked the complainant for carrying a concealed weapon. Court records provide insufficient evidence to ascertain whether or not the judge issued a verbal order to the complainant to stay away from the area of U.N. Plaza when the court released him on his own recognizance on August 17, 2004. There is insufficient evidence to either prove or disprove the officer lacked reasonable suspicion to detain the complainant for being in violation of a court stay away order in order to justify the arrest.

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

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

FINDINGS OF FACT: The complainant and the officer both stated that the officer's pat search was incident to the arrest. The officer said he recovered a concealed weapon, a prison style ice pick, during his pat search of the complainant. The officer could not confirm the existence of a stay away order during a subsequent computer search at the police station. Court records provide insufficient evidence to ascertain whether or not the judge issued a verbal order to the complainant to stay away from the area of U.N. Plaza when the court released him on his own recognizance on August 17, 2004. There is insufficient evidence to either prove or disprove the officer lacked probable cause to arrest the complainant for being in violation of a court stay away order in order to conduct the pat search that led to the concealed weapon.

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

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

FINDINGS OF FACT: The complainant said the officer called him a stupid Mexican and threatened to deport him. The officer denied the allegation. There were no witnesses on scene to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer failed to follow proper procedures as detailed in DGO 5.15.

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

FINDINGS OF FACT: The complainant said that two days after his May 3, 2006 felony arrest by the officer, Sheriff deputies handed him to ICE Agents while in San Francisco County Jail. The complainant also stated he had been deported from the U.S. in 1997 and re-entered illegally in 1998. Despite multiple arrests in San Francisco before May 3, 2006, the complainant said he was not reported to ICE before. Therefore, the complainant believed the officer reported him to ICE on this occasion. ICE has daily access to the SFSD list of prisoners booked under felony charges at County Jail. The officer denied reporting the complainant to ICE and stated he did not even know the complainant's national origin. The preponderance of the evidence suggests, based on the S.F. felony booking of May 3, 2006 alone, that ICE may have identified the complainant among prisoners in the County Jail population as undocumented or as someone with a prior deportation order. Because the complainant had a prior felony federal conviction and was booked in County Jail for the alleged commission of a felony, any information the officer may have directly or indirectly released to ICE would be proper under the exceptions enumerated in DGO 5.15.

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SUMMARY OF ALLEGATION #11: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant said the officer saw him walking on Market Street and signaled for him to come over to the officer. The officer denied the allegation. An officer with the named officer on the date in question stated he worked on a few dates with the officer and recalled a similar circumstance leading to a detention of an unknown Latin male. The detention described by the witness officer is inconsistent with the facts alleged by the complainant on the date in question. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

San Francisco Sheriff's Department
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/16/08 **DATE OF COMPLETION:** 06/16/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Department of Parking and Traffic.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Department of Parking and Traffic.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT:06/03/08 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

CATEGORY OF CONDUCT: CRD **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: 06/16/08 **DATE OF COMPLETION:** 06/17/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the California Highway Patrol.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/20/06 **DATE OF COMPLETION:** 06/23/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants' criminal trial is pending. The complainants refused to provide a statement at this time. The complainants 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: 06/11/08 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/08 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/07 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 1 of 10

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

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

FINDINGS OF FACT: The complainant stated that she and several companions were at the Carnaval celebration when a passerby accused one of her companions of stepping on her foot. When her companion attempted to apologize, the woman cursed at and threatened the companion. Two plainclothes police officers interceded, and after the situation was diffused, one of the officers grabbed one of the complainant's companions and took her to the ground. When another of the complainant's companions questioned the officers about their actions, she was also taken to the ground. The complainant, who felt the officers were acting improperly, repeatedly announced to members of the surrounding crowd that the officers were treating her friends improperly. When additional officers arrived on the scene they arrested the complainant and she and her two companions were transported to the police station, where the two plainclothes officers spoke to them and released them. The named officers stated that they feared the complainant's statements to the large crowd surrounding them might incite the crowd to interfere with their arrest and endangered their safety. They detained the complainant and transported her to the station because she had committed a crime by inciting a riot. The complainant's companions stated that the complainant repeatedly made statements to the surrounding crowd. One of the complainant's companions stated that she heard an officer tell the complainant that she needed to stop what she was doing and be quiet, but that the complainant refused. Another of the complainant's companions stated that as the complainant was speaking to the crowd, one of the named officers told the complainant she was inciting a riot and that if she did not stop she would be detained. A preponderance of the evidence established that given the crowded and chaotic conditions, the complainant's statements to the crowd gave the officers reasonable cause to detain and arrest her, and that therefore the action complained of was proper.

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DATE OF COMPLAINT: 07/11/07 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 2 of 10

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

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

FINDINGS OF FACT: The co-complainant stated that she and several friends were at the Carnival celebration walking along a crowded street when an unknown woman began cursing, threatening and waving her hands at the co-complainant, who had accidentally stepped on this woman's foot. The co-complainant approached this woman to talk to her. This woman pushed the co-complainant. A man who later identified himself as plainclothes police officer grabbed the co-complainant's hand, which she pulled away. This officer's partner, a female plainclothes officer, displayed her star and told the co-complainant to walk away. As the co-complainant was walking away, the male plainclothes officer grabbed her by the arms from behind and she voluntarily went to the ground. She heard the second co-complainant (who is also her partner) telling the officers to get off her. The female named officer leaned over and told the first co-complainant to get up, which she did. She asked the female named officer what she was being arrested for and the female named officer told her to walk away. Someone yelled "No, grab her," and after the first co-complainant took several steps, a uniformed officer grabbed and handcuffed her, and several uniformed officers walked her to a nearby side street where she was held for 45 minutes. When the co-complainant asked what she was being arrested for, one of the uniformed officers told her it was for being drunk, and she requested a breathalyzer test. The co-complainant was transported to the police station in a wagon with the complainant and the second co-complainant. When they arrived at the station, the female named officer told the co-complainant she knew she was not drunk. The two named officers spoke to the co-complainant in the station parking area, explaining their actions. The two named officers then spoke, in turn, to the other two women and released all three without charging them, issuing them Certificates of Release.

The co-complainant's companions were interviewed by OCC and largely confirmed her account of the incident.

The second co-complainant told OCC that the male named officer (who had not yet identified himself as an officer) ran up behind the first co-complainant and twisted her arm behind her back. In response, the second co-complainant, who is the primary co-complainant's partner, tried to push him away from the first co-complainant because he appeared to be attacking her. The male named officer then took the second co-complainant to the ground and ignored her attempts to explain the situation to him. The complainant spoke loudly to the surrounding crowd, repeatedly stating that the two co-complainants were being improperly treated. The female named officer told the complainant she was inciting a riot and said she

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would be arrested if she did not stop. The two named officers handcuffed the two co-complainants. The complainant was also arrested, and all three women were transported to the police station.

The complainant stated that the male named officer had not identified himself as a police officer when he grabbed the first co-complainant, twisted her arm behind her back and handcuffed her. The second co-complainant asked the male named officer why he was doing this and taking no action against the other woman involved in the verbal altercation. The female named officer then took the second co-complainant to the ground and handcuffed her. The complainant repeatedly told the crowd that the officers were treating her two friends improperly. Uniformed officers arrived and the female named officer told them to arrest the complainant and the two co-complainants.

One of the complainant's companions who was not detained told OCC that as the male named officer ran up behind the first co-complainant he identified himself as a police officer and told her to stop. As the complainant was yelling to the crowd about the officers' actions, one of the named officers told her to stop and be quiet.

The male named officer told OCC that he and his partner were working in plainclothes at Carnival because of past gang-related violence at the event. He said he saw the co-complainant and another woman arguing and saw the co-complainant reaching towards this woman. He grabbed the co-complainant's hand as she did this and identified himself as a police officer, but acknowledged that the co-complainant may not have realized he was a police officer because his star was not displayed. His partner started talking to the co-complainant while he spoke briefly to the other woman and took out his SFPD star. The male named officer turned around and saw the co-complainant walking away from his partner holding her arm up, palm outward, and did not know whether his partner had finished talking to the co-complainant. The male named officer grabbed the co-complainant by the arms, identified himself as a police officer and told her to stop. The co-complainant then knelt on the ground of her own accord. The second co-complainant grabbed his arms, so he told her to get down on the ground and detained her. The complainant moved back and forth in front of the large crowd that had gathered around the two officers stating that her friends had done nothing wrong and asking the bystanders whether they were going to allow the officers to get away with this. When uniformed backup officers arrived, the female named officers told them to arrest the complainant. The male named officer escorted the second co-complainant to a police wagon parked on a nearby side street, while his partner and the backup officers escorted the complainant and the first co-complainant to the same police wagon. They were detained because the complainant had attempted to incite a riot and the second co-complainant had interfered by striking the male named officer as he was attempting to detain the first co-complainant. All three women were transported to the police station, where the two named officers spoke to them and released them as having been detained but not arrested, per 849b PC.

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The male named officer said the first co-complainant was detained because he wanted to ensure there would be no further problems between her and the woman she had been arguing with and because he needed to continue the investigation to determine the source of the dispute. She was handcuffed and transported to the police station because he felt it was dangerous to continue the investigation at that location due to the proximity and volatility of the crowd around them. He also said that her two companions were being transported to the police station and he and his partner decided to transport the first co-complainant there as well so they could determine what had happened. The male named officer said he and his partner did not continue the investigation on a nearby side street, away from the crowd, because the complainant was refusing to identify herself and because the uniformed backup officers who accompanied them to the wagon needed to patrol the area.

The female named officer told OCC that she and her partner saw several women, including the first co-complainant, involved in some sort of confrontation involving yelling and the use of profanities. She saw some of the women reaching towards one another and believed they were about to fight. She and her partner went to abate the situation; she pulled out her SFPD star and walked to one side of the group while her partner walked to the other side. The female named officer identified herself as a police officer to the first co-complainant and told her to walk away, which the first co-complainant did. The male named officer then went after the first co-complainant, who complied with his instruction to go to the ground. The second co-complainant grabbed the male named officer and pulled on his arms, and in response, he grabbed the second co-complainant and guided her to the ground. The complainant began yelling to the crowd, exhorting them to intercede in the detention of the two co-complainants. Out of concern for her safety, the female named officer summoned uniformed backup officers. When they arrived, she instructed them to detain the complainant and the two co-complainants. The three women were walked to a police wagon and then transported to the police station, where the named officers spoke with them each individually and released them per 849b PC. The female named officer told OCC that the complainant was detained for inciting a riot. The first co-complainant was detained because the female named officer suspected that the women had been drinking and she wanted to take the first co-complainant to a controlled environment to determine if she was under the influence. The first co-complainant was also detained because she and the other woman she had been arguing with violated Penal Code Section 415 by using offensive words in public and initiating a fight. The female named officer said the second co-complainant was detained for battery on a police officer because the male named officer said she grabbed him as he detained the first co-complainant.

The evidence established that the named officers had reasonable suspicion to detain the co-complainant in order to investigate whether a crime had occurred. However, her detention ripened into a de facto arrest not justified by probable cause because she was handcuffed, transported in a police wagon with arrestees, and held as an arrestee at the police station, remaining in police custody for over an hour.

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A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard applicable regulations of the Department and relevant case law, the officers conduct was improper.

SUMMARY OF ALLEGATION #5: The officer used unnecessary force on the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that she and several friends were at the Carnival celebration walking along a crowded street when an unknown woman began cursing, threatening and waving her hands at the co-complainant, who had accidentally stepped on this woman's foot. The co-complainant approached this woman to talk to her. This woman pushed the co-complainant. A plainclothes officer, who had not yet identified himself as a police officer grabbed the co-complainant's hand. The co-complainant pulled her hand away. This officer's partner, a female plainclothes officer, displayed her star and told the co-complainant to walk away. As the co-complainant was walking away, the male plainclothes officer grabbed her by the arms from behind and she voluntarily went to the ground. The male plainclothes officer then placed his knee on the co-complainant's back. The co-complainant's companions largely confirmed her account of how the incident began. Two of the co-complainant's companions told OCC they saw the named officer twist the co-complainant's arm behind her back. One of the co-complainant's companions told OCC she saw the named officer grab the co-complainant's arms behind her back. Another co-complainant told OCC that when the named officer took the co-complainant to the ground, she attempted to pull him off her, and he grabbed her by the arm and took her to the ground. The named officer told OCC that he and his partner were working in plainclothes at Carnival because of past gang-related violence at the event. He said he saw the co-complainant and another woman arguing, and saw the co-complainant reaching towards this woman. He grabbed the co-complainant's hand as she did this and identified himself as a police officer, but acknowledged that the co-complainant may not have realized he was a police officer because his star was not displayed. His partner started talking to the co-complainant while he spoke briefly to the other woman and took out his SFPD star. The named officer turned around and saw the co-complainant walking away from his partner holding her arm up, palm outward, and did not know whether his partner had finished talking to the co-complainant. The named officer grabbed the co-complainant by the arms, identified himself as a police officer and told her to stop. The co-complainant then knelt on the ground of her own accord. The named officer denied twisting the co-complainant's arm behind her back. The named officer said the second co-complainant struck his hands with open palms and tried to pry his hands off the first co-complainant's arms, and that he then grabbed her and ordered her to the ground. The named officer's partner told OCC

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that she identified herself as a police officer to the first co-complainant and told her to walk away, and that the co-complainant complied. The named officer then went after the co-complainant, who complied with his instruction to go to the ground. The evidence established that the named officer was justified in detaining the co-complainant. However, there is insufficient evidence to clearly establish whether the named officer twisted the co-complainant's arm behind her back, or to prove or disprove whether, under the circumstances, the force the named officer used to detain the co-complainant was appropriate. Therefore, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 6 & 7: The officer arrested the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant told OCC that the male named officer (who had not yet identified himself as an officer) ran up behind the co-complainant's partner and twisted her arm behind her back. In response, the co-complainant, tried to push him away. The male named officer then took the co-complainant to the ground and ignored her attempts to explain the situation to him. When additional officers arrived, the co-complainant was taken to a police wagon and transported to the police station, where the two involved officers explained to the co-complainant and her companions why they took the actions they did. The co-complainant and her companions were then released. The co-complainant's companions largely confirmed her account. The named officer stated that the co-complainant attacked him as he was detaining her companion and he took her to the ground. The named officer stated that he identified himself as an officer and took out his star prior to detaining the co-complainant's companion. His partner stated that the co-complainant grabbed the named officer by the arm and that he then guided her to the ground. The evidence establishes that the co-complainant grabbed the officer's arm, which constituted a battery, and that given the chaotic and crowded environment, he was justified in detaining the co-complainant in order to determine whether she would be charged with a crime. Therefore, the action complained of was proper.

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SUMMARY OF ALLEGATION # 8: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that she saw the named officer use unnecessary force when she took one of her companions – who is also a co-complainant – to the ground. The co-complainant stated that the named officer did not have any physical contact with her. The evidence established that the named officer was not involved in the action complained of.

SUMMARY OF ALLEGATION # 9: The officer failed to properly identify himself.

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

FINDINGS OF FACT: One of the co-complainants stated that the officer, who was working in plainclothes, failed to identify himself as a police officer when he grabbed her companion in order to detain her. The co-complainant said she is fairly certain that the named officer did not hold up his badge and identify himself as a police officer until after he grabbed her companion. The named officer said he pulled out his star and identified himself before grabbing the co-complainant's companion. One of the co-complainant's companions stated that she heard the named officer say "Stop, this is the police" as he ran after and before he grabbed the co-complainant's companion. Another of the co-complainant's companions stated that she heard the named officer yell "police" before he grabbed the co-complainant's companion, but did not know whether he was identifying himself as a police officer or was summoning the police. The co-complainant's companion said that the named officer's female partner told her they were police officers before the named officer grabbed her. A preponderance of the evidence established that the named officer properly identified himself as a police officer.

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SUMMARY OF ALLEGATION #10 & 11: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainants stated that they and several companions were at the Carnaval celebration walking along a crowded street when an unknown woman began cursing, threatening and waving her hands at the co-complainant, who had accidentally stepped on this woman's foot. Two plainclothes police officers interceded. One officer told the co-complainant to walk away, which she did, but the other officer grabbed and detained the co-complainant. The other co-complainant was detained after she grabbed this officer's arm, and the complainant was detained after she repeatedly told members of the surrounding crowd that the officers were treating her friends improperly. The complainants stated that they believed the officers detained them but did not detain the other woman due to their race and ethnicity.

The male named officer told OCC that he and his partner were working in plainclothes at Carnaval because of past gang-related violence at the event. He said he saw the co-complainant and another woman arguing, and saw the co-complainant reaching towards this woman. He grabbed the co-complainant's hand as she did this and identified himself as a police officer, but acknowledged that the co-complainant may not have realized he was a police officer because his star was not displayed. His partner started talking to the co-complainant while he spoke briefly to the other woman and took out his SFPD star. The male named officer turned around and saw the co-complainant walking away from his partner holding her arm up, palm outward, and did not know whether his partner had finished talking to the co-complainant. The male named officer grabbed the co-complainant by the arms, identified himself as a police officer and told her to stop. The co-complainant then knelt on the ground of her own accord. The second co-complainant grabbed his arms, so he told her to get down on the ground and detained her. The complainant moved back and forth in front of the large crowd that had gathered around the two officers stating that her friends had done nothing wrong and asking the bystanders whether they were going to allow the officers to get away with this. When uniformed backup officers arrived, the female named officers told them to arrest the complainant. The male named officer escorted the second co-complainant to a police wagon parked on a nearby side street, while his partner and the backup officers escorted the complainant and the first co-complainant to the same police wagon. They were detained because the complainant had attempted to incite a riot and the second co-complainant had interfered by striking the male named officer as he was attempting to detain the first co-complainant. All three women were transported to the police station, where the two named officers spoke to them and released them as having been detained but not arrested, per 849b PC. The male named officer stated that by the time he finished detaining the two co-complainants, the other woman involved in the altercation had vanished into the crowd.

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The female named officer told OCC that she and her partner saw several women, including the first co-complainant, involved in some sort of confrontation involving yelling and the use of profanities. She saw some of the women reaching towards one another and believed they were about to fight. She and her partner went to abate the situation; she pulled out her SFPD star and walked to one side of the group while her partner walked to the other side. The female named officer identified herself as a police officer to the first co-complainant and told her to walk away, which the first co-complainant did. The male named officer then went after the first co-complainant, who complied with his instruction to go to the ground. The second co-complainant grabbed the male named officer and pulled on his arms, and in response, he grabbed the second co-complainant and guided her to the ground. The complainant began yelling to the crowd, exhorting them to intercede in the detention of the two co-complainants. Out of concern for her safety, the female named officer summoned uniformed backup officers. When they arrived, she instructed them to detain the complainant and the two co-complainants. The other woman who had been involved in the verbal altercation had left the area, which was extremely crowded. The three women were walked to a police wagon and then transported to the police station, where the named officers spoke with them each individually and released them per 849b PC. The female named officer told OCC that the complainant was detained for inciting a riot. The first co-complainant was detained because the female named officer suspected that the women had been drinking and she wanted to take the first co-complainant to a controlled environment to determine if she was under the influence. The first co-complainant was also detained because she and the other woman she had been arguing with violated Penal Code Section 415 by using offensive words in public and initiating a fight. The female named officer said the second co-complainant was detained for battery on a police officer because the male named officer said she grabbed him as he detained the first co-complainant.

Both named officers stated that their actions were based solely on their observations of the behavior of the complainants and not in any way on the race or ethnicity of the complainants. The statements of the three complainants and of their companions establish that two of the complainants engaged in actions justifying their detention for investigation of a crime. The evidence established that the actions of these two complainants required the immediate attention of the officers and that given the size of the crowd and the chaotic nature of the scene, it was not possible for the named officers to detain the other woman. The evidence established that the actions of the officers were based on the behavior of the complainants and that the named officers did not enforce the law selectively.

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SUMMARY OF ALLEGATION #12: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the uniformed female officer who led her to a police wagon twisted her hand back, causing pain, and continued to do so after the complainant complained about it. The named officer stated that the complainant was uncooperative and hostile. The named officer stated that she used a department-approved wrist hold as she escorted the complainant to the wagon and denied that the complainant ever complained of pain. One of the arresting officers who helped lead the complainant to the police wagon denied that the complainant complained of pain. One of the complainant's companions said she thinks the complainant said something about the handcuffs being too tight or about pain with her wrist as she was being led to the police wagon. No other witnesses could be identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the female officer who searched her before she was placed inside a police wagon grabbed her breast and made an inappropriate comment. The named officer denied the allegation, stating that she used a bladed hand to search the area between the complainant's breasts for weapons. She stated that the complainant was uncooperative and tried to turn towards her during the search. One of the arresting officers confirmed the named officer's account and stated that the complainant twisted and turned as she was being searched. The second named officer and the complainant's companions said they did not observe the complainant being searched. No other witnesses would be identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainants stated the officers failed to properly investigate a physical altercation in which a family member was involved. The complainants were not present at the altercation. The complainants' immediate relative was the instigator of the incident and was seriously injured. A witness stated that the officers separated the conflicting parties, but did not allow him to approach a group of individuals he thought may have contained a potential suspect. The witness's statement, taken after the incident, conflicted with the version of events provided by the officers. The witness also said he did not hear the conversation between the victim and the officers. The investigating officers denied the allegation. They stated they spoke to the victim at the scene. The officers said the victim informed them that the suspects left the scene prior to their arrival. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainants alleged the officers should have made an arrest. The witness stated that the officers arrived after he and the victim had been involved in a fight. The witness said the officers did not see the fight occur. The witness explained the victim had performed an act that either purposefully or negligently resulted in the start of the fight between the victim and the other combatants. The witness claimed police had separated him from members of a large group, allegedly involved in the altercation on a corner. The witness claimed he was certain the person responsible for the victim's injuries was in the group on the corner. The witness also stated he did not wish to pursue a citizens arrest. The witness did not hear the victim's conversation with the officers. The victim did not respond to the OCC's requests for an interview. The officers denied the allegation. The officers stated the victim told them those responsible for his injuries were no longer at the scene. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to write an Incident Report.

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

FINDINGS OF FACT: The officers did not witness a crime committed in their presence. The witness gave the OCC conflicting statements. He first stated he sought to identify the suspects at the scene but was kept from approaching the group of individuals at the corner. He then told the OCC that he did not ask the police officers on scene to perform a citizen's arrest. The officers denied they had the obligation to write a report. They stated they repeatedly asked the victim if he wanted them to take a report, but the victim failed to cooperate. The witness stated the parties did not seek a citizen's arrest at the scene. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The co-complainants went to a local police station after their son was involved in a physical altercation and seriously injured. They alleged the officer made an inappropriate remark. The officer denied the allegation. There were no witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #8: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The co-complainants went to a local police station after their son was involved in a physical altercation and seriously injured. They stated the officer failed to take an OCC complaint. The officer denied the allegation. There were no witnesses. 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 ALLEGATIONS #1-3: The officers failed to display their stars on their outer-most clothing.

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

FINDINGS OF FACT: The complainant alleged the plain clothes officers did not display their department-issued stars on their outer-most clothing while on duty. The witnesses did not see the officers' entire contact with the complainant. There was insufficient evidence to prove or disprove the allegation made in the complaint. The officers denied the allegation.

SUMMARY OF ALLEGATIONS #4-7: The officers wrongfully threatened to tow the complainant's car.

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

FINDINGS OF FACT: The complainant said he drove to the site of his former business, where he sought to confront the successor in interest to his business over an ongoing civil dispute. That individual was not at the scene, but the complainant's former landlord was present. The former landlord, a witness, summoned police to the scene. The complainant alleged the police officers threatened to tow the complainant's vehicle. The complainant and the witnesses stated that the vehicle was legally parked. The witnesses did not hear the entire exchange between the complainant and the police regarding the complainant's vehicle. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #8-11: The officers made inappropriate remarks.

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

FINDINGS OF FACT: The complainant stated the officers would not let him speak and have his say. The complainant said the officers made inappropriate remarks, telling him to “shut up.” Witnesses did not hear the entire exchange between the complainant and the police. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #12-15: The officers wrongfully threatened to arrest the complainant.

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

FINDINGS OF FACT: The complainant stated he had a business matter he wished to discuss regarding his former business. He said he entered the business. The complainant admitted to the OCC that he harbored a long standing dispute against several associates affiliated with this former business location. One of the two witnesses, a target of the complainant’s dispute, summoned police to the scene. Both witnesses stated that the complainant had engaged in a continuous pattern of harassment against them and the new owners of the business. One of the witnesses was “scared to death” of the complainant, and stated the officers ordered the complainant away from the area. The complainant refused to leave and the witness stated she heard the officers say they would take him to city hall if he failed to leave. A named officer confirmed that he admonished the complainant, telling him he could be arrested if the reporting party requested a private person’s arrest. The second witness stated that he had posted no trespassing signs in the window of the business. 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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SUMMARY OF ALLEGATION #1: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer acted in an inappropriate manner toward him. The complainant alleged a male officer removed him from a store during a shoplifting dispute and acted in an inappropriate manner toward him without hearing his side of what occurred. There was insufficient information available regarding the location of the incident to further isolate pertinent facts in the case. 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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SUMMARY OF ALLEGATION #1: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The officer stated to the Office of Citizen Complaints that the complainant was not detained, that she voluntarily cooperated with them and was free to leave at any time. There were no witnesses identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer seized the complainant's property, house keys, without cause.

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

FINDINGS OF FACT: The officer stated to the Office of Citizen Complaints that the police did not seize the keys, and never had possession of the keys, as they were not needed because the complainant opened the door voluntarily. The officer said he knew he could not take the keys and enter, as he did not have probable cause to believe that the subject of the arrest warrant was in the apartment at the time. There were no witnesses identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer said he entered the apartment to look for the subject of an arrest warrant because the complainant voluntarily let him and his partner in. There were no witnesses.

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

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

FINDINGS OF FACT: The officer said he searched the apartment to look for the subject of an arrest warrant because the complainant voluntarily let him and his partner in. There were no witnesses.

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SUMMARY OF ALLEGATION #5: The officer used force upon the complainant without justification.

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

FINDINGS OF FACT: The officer denied using any force upon the complainant. There were no witnesses identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer threatened the complainant and behaved inappropriately toward her.

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

FINDINGS OF FACT: The officer denied threatening the complainant and denied acting inappropriately during this event. There were no witnesses identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer displayed his weapon without justification.

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

FINDINGS OF FACT: The officer stated to the Office of Citizen Complaints that he did not recall drawing his weapon. There were no witnesses identified.

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

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

FINDINGS OF FACT: The officer was not available.

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SUMMARY OF ALLEGATION #9: The officer seized the complainant's property, house keys, without justification.

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

FINDINGS OF FACT: The officer was not available.

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

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

FINDINGS OF FACT: The officer was not available.

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SUMMARY OF ALLEGATION #11: The officer searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officer was not available.

SUMMARY OF ALLEGATION #12: The officer used force upon the complainant without cause.

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

FINDINGS OF FACT: The officer was not available.

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SUMMARY OF ALLEGATION #13: The officer threatened the complainant and used inappropriate behavior toward her.

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

FINDINGS OF FACT: The officer was not available.

SUMMARY OF ALLEGATION #14: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The officer was not available.

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SUMMARY OF ALLEGATION #15: The officer entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant was unable to identify officers who entered the complainant's residence in addition to the identified officers. The officer interviewed did not recall any officers entering the apartment besides him and his partner. There were no witnesses identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant was unable to identify officers who searched the complainant's residence in addition to the identified officers. The officer interviewed did not recall any officers entering the apartment besides him and his partner. There were no witnesses identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer said he did have to raise his voice to get the complainant to comply with his commands. One assisting officer corroborated the conduct of the named officer and stated he was professional and calm. The witness said the named officer was arguing back and forth and yelling at the female complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer detained and arrested the complainant.

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

FINDINGS OF FACT: The officer denied the allegation, stating the detention was not a traffic stop, but rather a check on the well being of the occupants in the vehicle. The officer stated the complainant voluntarily stopped and parked in a shopping center. The officer stated he observed the complainant driving recklessly, yet he did not activate the emergency lights or siren prior to initiating contact with the complainant. The officer acknowledged when he made contact with the complainant, he advised the complainant she had been driving recklessly and requested her driver's license, registration, and insurance. The officer said he arrested the complainant for reckless driving and resisting arrest, when she failed to comply with his orders to exit her vehicle. The officer did not request a marked unit prior to stopping and approaching the complainant. One of the passenger officers corroborated the detention was not a traffic stop. The other passenger officer said he recalled they activated their red light and pulled in behind the complainant's vehicle for an enforcement stop. All three officers acknowledged they wore plainclothes in an unmarked police unit. The assisting officers corroborated the complainant drove recklessly by violating three moving vehicle code violations and failed to comply with the arresting officer's commands. 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 #3: The officer used unnecessary force.

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

FINDINGS OF FACT: The officer denied the allegation, stating he requested the complainant to step out of her vehicle numerous times, and she refused to comply. The officer said he grabbed and pulled the left wrist of the complainant. The officer stated the complainant eventually got out of the vehicle by rolling out and throwing herself onto the ground without his assistance. The witness officers corroborated the named officer's account of the noncompliance of the complainant. One witness corroborated that the named officer put his hand on the complainant's wrist to help her out of the car and suddenly observed the complainant throw herself on the ground. The other witness officer said the named officer attempted to get his hand on the complainant's arm to pull her out of the car and then saw the complainant on the ground. The witness stated he heard the named officer state he smelled marijuana and told the complainant to get out of the car. The witness observed the officer pull the complainant out of the car, place her on the ground and arrest her. The co-complainant stated the officer manhandled the complainant out of the car by grabbing her arm, pulling her out of the car and arresting the complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer seized the complainant's property.

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not snatch the complainant's cell phone out of her hand. Both witness officers said they did not observe the named officer take a cell phone from the hands of the complainant. The co-complainant stated the officer snatched the complainant's cell phone directly out of her hand. The witness stated he observed the named officer grab the cell phone from the complainant's hands. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer arrested the co-complainant.

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

FINDINGS OF FACT: The officer denied the allegation, stating the co-complainant delayed the investigation by not stepping out of the car and for pulling away from him while being detained. The named officer stated he did not recall the co-complainant willingly exit the vehicle and place his hands on the roof of the vehicle. One witness officer said the co-complainant got out of the vehicle after some protest, and the named officer had difficulty getting him into handcuffs. The other witness officer said the co-complainant initially refused to get out of the car, then stepped out and placed his hands up on the roof of the car. The witness stated the co-complainant got out of the car and did not resist the named officer. The witness said the co-complainant complied and the officer handcuffed him. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department the conduct was improper.

SUMMARY OF ALLEGATION #6-8: The officers handcuffed and searched the complainants.

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

FINDINGS OF FACT: The officers acknowledged the complainants were placed under arrest, handcuffed and searched prior to transporting to the police station. 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: The officer searched the vehicle.

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

FINDINGS OF FACT: The officer denied the allegation, stating he performed an inventory search on the vehicle, due to the arrest of the complainant. The officer stated he also smelled an odor of marijuana emitting from the complainant's car. During the search marijuana was located inside the vehicle. 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 #10-11: The officers failed to seatbelt the complainants.

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

FINDINGS OF FACT: The officers denied the allegation, stating they seatbelted the complainants prior to being transported to the police station. A witness officer corroborated he observed one of the named officers seatbelt the co-complainant prior to transport. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #12: The officer tightened the handcuffs on the co-complainant.

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

FINDINGS OF FACT: The officer denied the allegation, stating the male complainant was handcuffed prior to his arrival. The officer said he did not tighten the handcuffs on the co-complainant shortly after arriving onscene. He did not recall hearing the co-complainant complain of the tightness of the handcuffs and the numbing of his thumb and index finger to him. The witness officer corroborated the account of the named officer. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #13: The officer drove improperly.

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

FINDINGS OF FACT: The officer denied the allegation, stating he drove at the posted speed limit as he always does, when transporting individuals. The witness officers corroborated they did not observe the transporting unit driving improperly. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #14: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant's vehicle was towed because she was placed under arrest for reckless driving. The arresting and assisting officer referred to a recent department bulletin in regards to towing a vehicle incident to arrest for reckless driving (V.C. 23109.2) and for placing a hold on vehicles. During the OCC investigation, it was revealed that the Vehicle Code §23109.2 authoritative section was inadvertently allowed to sunset on December 31, 2006. Furthermore, the 2007 Vehicle Code corroborated the 23109.2 section was ineffective during the year of 2007. Thus, at the time of this incident, officers had no authority to tow the vehicle for reckless driving. Members of SFPD received the Legislative Update announcing the repealed and added section of Vehicle Code §23109.2 in January 2008 (#08-04). However, there were no Legislative Update or department bulletins located in SFPD records for 2007 to notify officers that Vehicle Code § 23109.2 was not effective during that year. The evidence proved that the action complained of was the absence of needed training when viewed in light of Departmental policy and procedure.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that a man shoved him at a football game. The complainant followed the man to confront him, while one of the complainant's brothers yelled after the man. Both of them used profanity when yelling at this man. The two named officers stopped the complainant's brother and asked what he was yelling about. The complainant told them the man had just assaulted him, and the officers asked the complainant to step to the side, calm down and tell them what happened. The complainant and his brothers loudly asked the officers why they were questioning him when he and his brothers were trying to explain what happened. The complainant and his brothers became frustrated and started yelling because the officers were failing to take any action. One of the complainant's brothers yelled at the officers, used profanity, and made a threatening gesture. The officers grabbed the complainant's brother and attempted to handcuff him, but he turned around and prevented them from handcuffing him. The officers then ejected the complainant's brother from the stadium. The officers failed to take any action against the man who elbowed the complainant in the chest. One of the named officers stated that they saw the complainant's brother yelling in a loud and angry manner at a man who was walking away from him. This officer believed the brother was preparing to assault the man. The officers stopped the brother, who, when questioned, claimed the man he was yelling at was his friend and that there was no problem. When the officer told the brother it appeared he was getting ready to fight, the brother became angry, waved his arms violently and yelled at the officers. Two other men arrived and yelled at and insulted the officers. This named officer learned that the first man was angry because the other had bumped into him in a rude manner and walked away. This officer stated that he did not contact or attempt to locate the other man because the man was not taking an aggressive role, while the man the officer stopped was angry and belligerent and did not make a reasonable attempt to explain the situation in a clear and rational manner. Additionally, the man they stopped did not indicate that he had been bumped into intentionally. The other named officer stated that he and his partner saw a man who appeared to be angrily yelling at another man. The officer and his partner contacted this individual, who said the man he was yelling at was his friend. This individual was agitated and began gesturing with his hands and arms in a violent manner. Another man told the officers that a possible assault had taken place but that he did not want any further action taken. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3 & 4: The officers attempted to handcuff the complainant's brother without cause.

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

FINDINGS OF FACT: The complainant stated that the officers attempted to handcuff his brother. The complainant's brother stated that the officers did not attempt to handcuff him. The complainant's other brother stated that at one point, the officers told his brother to put his hands behind his back, but they did not grab him or handcuff him. The named officers denied that they attempted to handcuff the complainant's brother. A preponderance of the evidence established that the action complained of did not occur.

SUMMARY OF ALLEGATION # 5 & 6: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that one of the officers used profanity. One of the complainant's brothers stated that both officers used profanity. The complainant's other brother stated that he did not hear either officer use profanity. The named officers denied using profanity. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she argued with a man who was in her seats at a football game, who struck her in the face. The named officer and his partner responded and questioned the complainant and one of her companions and the assailant and his companion. The complainant told the named officer she wanted to press charges against the assailant. The named officer told the complainant that the assailant wanted to apologize. The named officer took statements from the complainant and her companion, but the complainant did not see him or his partner question other witnesses who were seated nearby. The assailant was arrested, but the prosecutor told the complainant that charges against him were dismissed because the complainant and her friend told one story while the assailant and his friend told another story. The complainant felt the named officer failed to interview other witnesses who would have confirmed her version of the incident and failed to include the fact that the assailant offered to apologize in the Incident Report. The complainant's friends who attended the game with her could not be contacted by the OCC because the complainant no longer had contact information for them. The Incident Report prepared by the named officer listed a friend of the assailant and an off-duty police officer as witnesses, and quoted the off-duty police officer as saying that he saw the complainant and the assailant screaming at one another and that he saw the assailant slap the complainant in the face. A witness officer (the named officer's partner) stated that the complainant and the assailant were involved in a heated argument when the officers arrived. The witness officer asked if anyone saw what happened, and one witness (an off-duty police officer) said he saw the assailant slap the complainant in the face. Everyone else seated in the area was watching the game and did not wish to make a statement. This witness officer did not recall the assailant offering to apologize to the complainant. The named officer stated that he arrested the assailant and cited him for battery. The named officer stated that other individuals in the area that he spoke with had no information and did not want to get involved. The only witness the complainant directed him to the off-duty police officer, who was interviewed by the named officer's partner. The named officer did not recall the assailant offering to apologize to the complainant. There is insufficient evidence to prove or disprove the allegation.

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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 alleged that the officers failed to take required action. The complainant requested police assistance to have the persons who assaulted him arrested. After their preliminary investigation, the responding officers determined that there was no probable cause to believe that the persons committed the crime in question. The officers stated that they did not prepare an Incident Report because no arrest was made and the complainant did not want a report. Although the officers had no duty to take the persons into custody, the officers had a duty to write an Incident Report pursuant to Department General Order 5.04. Further, Department General Order 2.01(25) mandates the officers to complete required reports. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made rude comments and used profanity.

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

FINDINGS OF FACT: The complainant stated that he and his girlfriend had an argument on the street, and when police officers arrived, he ran because he had an outstanding arrest warrant. The complainant hid inside the stairwells of a building to elude officers who were searching for him. The complainant stated that, when officers finally apprehended the complainant, several officers made rude comments and used profanity to the complainant. The complainant did not know the names or star numbers of these officers and failed to respond to OCC requests to view a photo spread to identify the officers. Department records indicate that numerous officers from different stations participated in establishing a perimeter around the area and in searching for the complainant. The officers who arrested the complainant denied the allegations. Other officers who responded to the incident denied having any contact with the complainant, or stated that neither they nor other officers made the statements described by the complainant. There is insufficient evidence to positively identify the involved officers or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that, when officers apprehended him, one of the officers who was present made a sexually derogatory comment to the complainant. The complainant did not know the name or star number of this officer and failed to respond to OCC requests to view a photo spread to identify the officer. Department records indicate that numerous officers from different stations participated in establishing a perimeter around the area and in searching for the complainant. The officers who arrested the complainant denied the allegation. Other officers who responded to the incident denied having any contact with the complainant, or stated that neither they nor other officers made the comment described by the complainant. There is insufficient evidence to positively identify the involved officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that, when officers apprehended him, one of the officers used unnecessary force on the complainant. The complainant did not know the name or star number of this officer and failed to respond to OCC requests to view a photo spread to identify the officer. Department records indicate that numerous officers from different stations participated in establishing a perimeter around the area and in searching for the complainant. The officers who arrested the complainant denied the allegation. Other officers who responded to the incident denied having any contact with the complainant, or stated that neither they nor other officers used force on the complainant. There is insufficient evidence to positively identify the involved officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS # 1-2: The officers acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officer threw waste items from a camper and scattered them over the parking lot instead of placing it in one pile. The officers denied acting in the alleged manner. A civilian witness did not recall this aspect of the incident. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS # 1-2: The officers stopped and detained the complainants without justification.

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

FINDINGS OF FACT: The named members stated that they stopped and detained the complainants for driving without lights at nighttime. In their OCC statements, both complainants acknowledged that, at the time of the incident, they were driving without headlights on. Given the circumstances of this incident, the officers' decision to effect the traffic stop was proper and justified.

SUMMARY OF ALLEGATION #3: The officer requested identification and queried the complainant's name via police computer without justification.

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

FINDINGS OF FACT: The named member stated that he requested the complainant's driver's license and ran it via the police computer because he intended to cite the complainant for observed traffic violation. In her OCC statement, the complainant acknowledged that, at the time of this incident, she indeed committed this traffic violation. Given the complainant's admission, the officer's request for identification and his query on her name via the police computer were proper and justified.

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SUMMARY OF ALLEGATION # 4: The officer requested identification and queried the co-complainant's name via police computer without justification.

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

FINDINGS OF FACT: The co-complainant stated that the officer had no legitimate reason to ask his identification and to run it on the police computer. The named member stated that the co-complainant voluntarily provided his driver's license. The statements from the other complainant in this case and two officers, who were present at the scene, were inconclusive regarding the issue. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Two complainants stated that the officers failed to properly ascertain their criminal status and subjected them to intrusive and coercive police actions based on the wrong computer records. One named member acknowledged his mistake in reading criminal records relevant to this police contact. The other officer stated that she did not view the relevant records and relied on the words from her partner. The OCC found that both officers had sufficient opportunity and resources to properly ascertain the complainants' criminal status. 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 # 7: The officer searched the complainant's car without cause.

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

FINDINGS OF FACT: The named member stated that he searched the complainant's car because, at the time, he erroneously believed she was on probation. The officer acknowledged that he actually made a mistake reading the computer record after querying the complainant's name and confused her with another person. The evidence obtained by the OCC showed that the complainant did not have outstanding warrants and was not on probation at the time of this incident and the named member had no legitimate reasons to search her vehicle. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #8: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The named member stated that she conducted a search of the complainant's person because the officer's partner said the complainant was on probation and had a search condition. The named member acknowledged making the computer queries regarding the complainant's criminal status prior to the contact but claimed that she never saw the responses to those queries from the law enforcement databases and relied on her partner's words regarding the complainant's "alleged" probation status. The named member's partner did not recall whether the named member saw the computer records concerning the complainant's criminal status. The evidence obtained by the OCC showed that the complainant, in fact, was not on probation and that the named member had an opportunity and resources to properly ascertain the complainant's criminal status prior to conducting the search. 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 # 9: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The named member stated that he cited the complainant for driving without lights at nighttime. In her OCC statement, the complainant acknowledged that, at the time of this police contact, she was indeed driving without her lights on. Given the complainant's admission the officer's decision to cite the complainant for this traffic violation was justified and proper.

SUMMARY OF ALLEGATION #10: The officer searched the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated that the female officer pat-searched him during the traffic stop. This officer denied searching the co-complainant. Her partner stated that she indeed pat-searched the co-complainant for weapons because he was the passenger in the car driven by a person on probation. The evidence obtained by the OCC showed that the driver of the car (complainant) was not, in fact, on probation and the named member had no articulable reason to pat-search the passenger in this vehicle for weapons. The complainant however told the OCC that her passenger was not searched. Another officer, who was present at the scene, did not recall this aspect of the incident. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 11: The officer used unnecessary force during the incident.

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

FINDINGS OF FACT: The complainant stated that the female officer used unnecessary force during the search. The co-complainant's statement was inconclusive concerning this issue. The named officer denied using any force during the complainant's search. Two other members present during the incident supported this statement. There were no other witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #12-13: The officers failed to provide name and star number upon request.

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

FINDINGS OF FACT: The complainant stated that she asked both officers involved in this incident their names and star numbers but they never provided the requested information. The co-complainant's statement was inconclusive regarding this issue. Both officers denied the allegation. There were no other witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 14: The officer acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The named member denied the allegation. The statements from co-complainant and two officers present at the time were vague and inconclusive regarding the issue. There were no other witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer failed to write an accurate citation.

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

FINDINGS OF FACT: The named member acknowledged making one erroneous entry in the citation issued to the complainant. The OCC found that the officer's mistake indeed took place but the error was not intentional and did not cause the complainant any significant harm. The available evidence was insufficient to either prove or disprove the allegation.

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OCC ADDED ALLEGATION

SUMMARY OF ALLEGATION # 1: The officers misrepresented the elements of the traffic stop in the Department records.

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

FINDINGS OF FACT: The evidence developed by the OCC during the investigation of this complaint showed that the officers involved in the incident failed to properly document elements of the traffic stop as required by the relevant Department Policy. The OCC also found that the said policy was not well constructed and lacked mechanism for effective implementation and control.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer was angry and told her she could be arrested if she did not let her tenants back into their room at her residence. The officer denied the allegation and stated he explained the landlord tenant rules and the civil process to the complainant. The witnesses have not responded to provide their statements. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers entered the residence without justification.

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

FINDINGS OF FACT: The complainant stated the officers used force and entered her residence without her consent. The officers stated they responded to the complainant's residence due to a "lockout" by the complainant for unpaid rent. The officers stated they entered the complainant's residence to let the tenant's back in. The witnesses have not responded to provide their statements. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #4-5: The officers used force during a detention.

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

FINDINGS OF FACT: The complainant stated the officers wrestled and threw her down on the ground and held her arms and knees for no reason. The officers stated they restrained the complainant who was upset and not cooperative. The officers stated the complainant was screaming and yelling at the officers. The witnesses have not responded to provide their statements. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers handcuffed her for no reason. The officers stated the complainant was upset and not cooperative. The officers stated the complainant struggled with them and refused to let the tenants in their room. The witnesses have not responded to provide their statements. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #8: The officer failed to provide a Certificate of Release to the complainant.

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

FINDINGS OF FACT: The complainant stated she did not receive any paperwork or documents regarding the handcuffing incident. A second officer stated that the named officer was not responsible for issuing the Certificate of Release. The second officer stated he was the responsible officer and admitted he neglected his duty by not issuing a Certificate of Release to the complainant. This officer handcuffed and moved the complainant to his patrol vehicle and therefore was the responsible officer. The evidence proved that the act alleged in the complaint occurred, but the named officer was not responsible for issuing the Certificate of Release to the complainant.

SUMMARY OF ALLEGATION #9: The officer failed to provide a Certificate of Release to the complainant.

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

FINDINGS OF FACT: The complainant stated she did not receive any paperwork or documents regarding the handcuffing incident. The responsible officer admitted he did not issue the Certificate of Release form to the complainant. This officer stated he handcuffed and moved the complainant. The evidence established that no Certificate of Release was issued to the complainant as required by the Department General Order. By a preponderance of the evidence, the responsible officer failed to follow the San Francisco Police Department procedures as outlined in Department General Order 5.03.

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SUMMARY OF ALLEGATION #10: The officer entered a residence without justification.

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

FINDINGS OF FACT: The complainant stated the officers used force and entered her residence without her consent. The officer stated he was not involved in the incident and had no contact with the complainant. SFPD records indicated the officer was not involved with the incident. The witnesses have not responded to provide their statements. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

SUMMARY OF ALLEGATION #11: The officer used force during a detention.

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

FINDINGS OF FACT: The complainant stated the officers wrestled and threw her down on the ground and held her arms and knees for no reason. The officer stated he was not involved in the incident and had no contact with the complainant. SFPD records indicated the officer was not involved with the incident. The witnesses have not responded to provide their statements. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

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SUMMARY OF ALLEGATION #12: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers handcuffed her for no reason. The officer stated he was not involved in the incident and had no contact with the complainant. SFPD records indicated the officer was not involved with the incident. The witnesses have not responded to provide their statements. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

SUMMARY OF ALLEGATION #13: The officer failed to provide a Certificate of Release to the complainant.

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

FINDINGS OF FACT: The complainant stated she did not receive any paperwork or documents regarding the handcuffing incident. The officer stated he was not involved in the incident and had no contact with the complainant. SFPD records indicated the officer was not involved with the incident. The witnesses have not responded to provide their statements. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

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

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

FINDINGS OF FACT: The officer denied the allegation. The witness was not present during the entire contact between the officer and the complainant. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. The witness was not present during the entire contact between the complainant and the officer. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer said he personally witnessed the violation. The complainant and witness denied seeing any pedestrian in the cross-walk. 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 ALLEGATION # 1: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officer should have arrested the homeless person who was living in the complainant's abandoned van. The OCC found that the named member, in fact, detained this person. Given the circumstances of this incident, the officer's actions were reasonable and proper.

SUMMARY OF ALLEGATIONS # 2-3: The officers acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant had contacts with two police units but could identify only one officer who engaged in the alleged misconduct. The named member denied the allegation. Two other members questioned in connection with this complaint denied acting inappropriately towards the complainant. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The incident occurred while the complainant and his two witnesses admitted they were walking their dogs off leash in Golden Gate Park. This area is not a designated off leash area for dogs. The complainant and the witnesses stated two mounted police officers approached and repeatedly ordered all three persons to leash their dogs. All three had difficulty leashing up, but the complainant had the most difficulty leashing his dogs. His dogs failed to respond to voice command. One of his dogs charged the officers' horses. The complainant eventually gained control of his dogs. He admitted hearing the order to leash his dogs. By his own admission, the complainant asked the officers to move their horses in an effort to secure the dogs. The officers did not move, and the complainant was issued a citation for having a dog off leash. The officer and a witness officer denied the allegation. The named officer, as well as the witness officer stated that prior to their detention of the complainant, they saw the complainant's dogs charge a nearby leashed dog accompanying a jogger, nearly tripping the jogger. The named officer said all of the dog guardians were subject to citation. He also stated he had discretion to admonish, but due to the complainant's complete lack of control over his dogs, he issued the complainant a citation. 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 intimidating comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer sought to fight him, dismounting from his horse and verbally challenging him for remarks made by another person. The witness statements were inconsistent as to what the officer allegedly stated. The second witness did not overhear the entire conversation, but overheard the officer ask the complainant if he was challenging him to a fight. There were no independent witnesses to this contact. The named officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer sought to cite him for dogs off leash, singling him out because of his sexual orientation. The witnesses said they felt the same way, but failed to articulate a specific conduct the officer engaged in that provided persuasive evidence of selective enforcement. The officer denied the allegation, stating he observed the complainant commit the violation from some distance away. He said he could not possibly know what the sexual orientation of the complainant could be, or that of his companions. He stated that all three of the individuals were in violation of the law, but the complainant's conduct was the most egregious. 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 engaged in inappropriate behavior.

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

FINDINGS OF FACT: The named officer denied the allegation. Department records, court documents and witness statements indicated that the named officer initiated actions that were not in compliance with Department policies and procedures, and that resulted in the arrest of a suspect after charges had been rejected by the District Attorney. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard, the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he had just prepared paperwork for a fellow officer. Department records, court documents and witness statements indicated that the named officer took actions knowing they were not in compliance with Department policies and procedures and that resulted in the arrest of a suspect after charges had been rejected by the District Attorney. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard, the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The officer stated he was polite and courteous to the detained male subject and the complainant. The named officer said the male subject was calm and cooperative during the incident. The witness officer could not recall the incident. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer detained a male subject without justification.

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

FINDINGS OF FACT: The officer stated the security personnel at the festival brought the male individual to their attention for police assistance. The officer stated he observed the male individual lighting papers on fire in the grass with a nearby open container of beer. The officer said the individual admitted the beer belonged to him and that he felt like burning the papers. The named officer stated the detained individual gave him consent to search his backpack. The officer stated the detained male was escorted partially from the area, and continued to the exit on his own. The witness officer could not recall the incident.

The complainant admitted she could not hear the conversations between the officers and the detained individual and she was unaware of the reason for the detention. The complainant failed to further communicate with OCC after numerous contacts. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer pat searched a male subject without cause.

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

FINDINGS OF FACT: The officer stated the security personnel at the festival brought the male individual to their attention for police assistance. The officer stated he observed the male individual lighting papers on fire in the grass with a nearby open container of beer. The officer said the individual admitted the beer belonged to him and that he felt like burning the papers. The named officer stated the detained individual gave him consent to search his backpack. The officer stated the detained male was escorted partially from the area, and continued to the exit on his own. The witness officer could not recall the incident.

The complainant admitted she could not hear the conversations between the officers and the detained individual and she was unaware of the reason for the detention. The complainant failed to further communicate with OCC after numerous contacts. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer issued an invalid order to a male subject.

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

FINDINGS OF FACT: The officer stated the security personnel at the festival brought the male individual to their attention for police assistance. The officer stated he observed the male individual lighting papers on fire in the grass with a nearby open container of beer. The officer said the individual admitted the beer belonged to him and that he felt like burning the papers. The named officer stated the detained individual gave him consent to search his backpack. The officer stated the detained male was escorted partially from the area, and continued to the exit on his own. The witness officer could not recall the incident.

The complainant admitted she could not hear the conversations between the officers and the detained individual and she was unaware of the reason for the detention. The complainant failed to further communicate with OCC after numerous contacts. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant and co-complainant stated the officer failed to properly process the complainant's house keys for safekeeping. The complainant stated the officer who conducted the booking counter search was the last individual to remove his personal items from his person when he was arrested. The officer admitted searching the complainant and his belongings at the scene of his arrest and at the police station where he had the complainant transported. The complainant was then transported to County Jail. No witnesses came forward. The officer denied the allegation made in the complaint. 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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SUMMARY OF ALLEGATION #1: The officer detained the complainant's daughter.

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

FINDINGS OF FACT: The officer stated on three occasions, he observed a young woman walking and looking in all directions in a high crime area over a thirty-minute period in the late evening. The officer acknowledged the area is known for robberies, shootings, and loitering by pimps and prostitution. The young woman was alone and made furtive movements to avoid eye and physical contact with the officer. The officer stated he made contact and detained the young woman to determine her reason for being in an area of potential dangers. The officer said the young woman verbally identified herself by providing her name and her minor age of 17 years. Due to the young woman's uncooperative and evasive responses, the officer transported her to the district station to further identify the young woman and make contact with a parent and/or guardian.

A witness corroborated the dangers in the area. The witness stated the young female was uncooperative during the entire contact. The witness said the woman appeared to be under age 21 and the officer absolutely had reason to detain the female. Under the Welfare and Institution Code § 305, the officer may, without warrant, take into temporary custody a minor who is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer stated the young woman became verbally hostile immediately upon contact. The officer said he attempted to explain the reason for the detention to the young female and to calm her down, to no avail. The officer said the female yelled that he had no right to stop her, that he had no right to talk to her and that she had not done anything criminally. The officer stated the young woman approached him yelling in a combative manner. The officer said it was necessary to handcuff the female for her safety and for his safety.

A witness stated the young female was agitated, uncooperative and belligerent during the contact. The witness corroborated he heard the officer explain the reason for stopping the female at least three times.

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Allegation #2-Continued

The witness said the female kept yelling and screaming about knowing her rights and that the officer had no right to stop her. The witness stated the officer tried to calm the female down by explaining the type of neighborhood and the dangers in the area. The witness said he heard the officer request the female's identification and warned her to calm down or he would have to handcuff her.

Peace officers are authorized to take such steps as [are] reasonably necessary to protect their personal safety and to maintain the status quo during the course of the stop. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer searched the complainant's daughter.

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

FINDINGS OF FACT: The officer denied the allegation, stating a search was not conducted on the female juvenile. The officer acknowledged he removed the juvenile's purse from her shoulder and observed a knife located in the side pocket of the purse. The officer said the female juvenile stated she carries the knife for her own protection. Once at the station, the officer stated he went into the juvenile's purse to locate identification to verify her identity prior to contacting her parent and/or guardian.

The complainant stated he provided his daughter with the knife for her protection. The officer denied the allegation and no witness observed the officer search the complainant. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment to the complainant's daughter.

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not accuse the young female of being a prostitute. Rather, the officer stated he explained to the female the reason for the detention and the dangers of being in a high crime area. The officer said he told the female different people, such as pimps and prostitutes, frequented the area.

The witness stated the officer was very professional, while the young lady was agitated, uncooperative and belligerent. The witness corroborated he heard the officer trying to calm the female down by explaining the dangers in the area to the young female. The witness affirmed the area has adult clubs and it is typical to see hookers after dark. The witness said he stood approximately 30-40 feet from the officer and the female juvenile. The evidence proved that the act alleged, did not occur.

SUMMARY OF ALLEGATION #5: The officer displayed inappropriate behavior.

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

FINDINGS OF FACT: The officer denied the allegation. The officer said he made every effort to be polite, responsive and professional with the complainant. The officer communicated entirely with the complainant by e-mail. The officer stated he advised the complainant on the OCC process and forwarded all e-mail documents to OCC, once requested by the complainant. The officer stated no formal investigation was conducted. He made an inquiry into the incident, and advised the sergeant of the complainant's concerns. The officer stated he was proactive in an effort to avoid future conflicts. The numerous emails, sent by the officer, attest to the officer's diligence and professional manner in attempting to communicate and resolve the concerns and eventual complaint(s) by the complainant.

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

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

FINDINGS OF FACT: The complainant alleges the police entered and searched her residence without cause. The evidence shows that police had a search warrant. 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 #2-3: The officers seized the complainant's property

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

FINDINGS OF FACT: The complainant alleges the officers seized properties from her residence for no reason. The evidence shows that the properties were indicia and evidences of a crime. The officers seized the properties pursuant to a search warrant. 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 #4: The officer threatened the complainant's son.

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

FINDINGS OF FACT: The complainant alleges the officer threatened her son during the search. The complainant stated her son was ordered to stay outside or he would be taken to jail. The complainant's son corroborated her statement. The officer denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT The complainant stated the officer seized her safe and forced it open. The officer stated that he opened the safe with the complainant's consent, and that he had a warrant authorizing the search of the complainant's residence. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/07 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officers harassed him for no reason. The officers stated they were not harassing the complainant. The officers stated they received information about the complainant being involved with narcotics within the area from a Confidential Reportee Informant. One of the witnesses was not present during the incident and the other witness did not provide a statement. There is insufficient evidence to prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers made threatening comments and used inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers threatened to arrest and plant narcotics on him. The officers stated they did not make any threats of arrests or to illegally plant drugs on the complainant. One of the witnesses was not present during the incident and the other witness did not provide a statement. There is insufficient evidence to prove or disprove the allegations made in the complaint.

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DATE OF COMPLAINT: 11/06/07 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the he was not engaged in any narcotics activities. The complainant stated the narcotics found at the establishment were not his. The officers stated they received information of illegal narcotics activities from a Confidential Reliable Informant. The officers recovered narcotics from the establishment. A witness from the establishment corroborated that the complainant entered and hid illegal narcotics on the premises. 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 #7-8: The officers' strip-searched the complainant.

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

FINDINGS OF FACT: The complainant stated he had no narcotics on him and that the officers conducted a strip search on him. The officers conducted a strip search of the complainant due to probable cause to believe that possible hidden illegal contraband underneath the complainant's clothing next to the complainant's skin. A San Francisco Police Department form 305 was completed and authorized by the supervising Sergeant to carry out a strip search of the complainant at the station. A witness corroborated that the complainant hid illegal narcotics on the premises. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers searched his legally parked and unattended vehicle without his permission. The officers stated they had probable cause to search the complainant's vehicle, which was parked on a public street within the area. The officers acted on a Confidential Reliable Informant's information regarding the complainant and illegal narcotics activities. The officers recovered illegal narcotics at a nearby establishment. Per the San Francisco Police Department's Department Bulletin #0144-07, officers are permitted to search complainant's vehicle due to probable cause to believe that evidence could be in the vehicle. A witness corroborated that the complainant hid illegal narcotics. 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 #-11: The officer failed to supervise.

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

FINDINGS OF FACT: The complainant stated the officer failed to supervise the incident. The Sergeant stated he arrived at the scene after the arrest of the complainant. The Sgt. approved the San Francisco Police Department 305 form, which allowed officers to strip-search the complainant and his friend. A witness corroborated that the complainant hid illegal narcotics at the premise. 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: 11/02/07 **DATE OF COMPLETION:** 06/13/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly supervise an event.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the 4th of July event was not planned with any government entity and not permitted by the Recreation Park Department. The officer said there was no operation orders issued since there were no events scheduled at the local park. However, due to heightened service calls on this particular holiday, the officer made a formal request for adequate staffing to the field operations bureau. The officer staffed the district to capacity, including additional overtime units.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/07/07 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer denied making an inappropriate comment to the complainant during the contact. Three witness officers stated they did not hear any derogatory remarks made to the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The officer denied making any inappropriate comments to the complainant during the contact. Three witness officers stated they did not hear any derogatory remarks made to the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied grabbing the complainant by the neck, pushing the complainant into the patrol car and stating the complainant was a big girl. The officer said the complainant stiffened her entire body and refused to sit down in the patrol car. The officer said she ordered the complainant to lower her head multiple times and to sit down inside the patrol car. The officer said the complainant used profanity towards her. After much coercing, she and another officer were able to convince the complainant to sit down inside the patrol car. Three witness officers stated they did not hear any derogatory remarks made to the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The named officers stated the complainant interfered verbally and physically while attempting to issue a citation to another individual. The named officers said the complainant told the officer that they did not consent to a pat search and the complainant physically attempted to pull the individual away from the officer's location. The officers stated the complainant was told numerous times to stop interfering with the investigation, yet the complainant disregarded their verbal commands. The named officers said the complainant was placed under arrest for interfering and delaying the investigation. The witness stated the complainant told the individual that she didn't have to listen to the police by giving up her bike because she had done nothing wrong. The witness said the complainant was not disagreeing, arguing, or trying to start trouble, the complainant was just advising the individual about her rights. The complainant stated the police made contact with her friend for riding her bicycle on the sidewalk. The complainant stated she told the officers she was not involved with the contact, though, they did not consent to a search and they wanted to leave.

No other witnesses came forward. 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 #6-7: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The named officers stated they did not use excessive force on the complainant during the arrest. The officers corroborated after numerous commands, the complainant refused to release her bicycle for handcuffing. One of the officers said he attempted to use an academy trained two-handed bent wrist to the rear. The officer said his attempt at using the control hold was unsuccessful, due to the complainant flailing her body around. Both officers said the complainant fell onto the ground with her bodyweight from flailing her body around and running forward. One of the officers said the complainant brought her hands to her chest, rolled forward and put her hands into her sleeves to avoid handcuffing. The named officers and the two witness officers placed the complainant into handcuffs.

Two witness officers corroborated they heard the arresting officers give the complainant verbal commands, to no avail. One of the witness officers assisted in removing the bicycle from the complainant. The other witness officer said the complainant struggled the entire time and was extremely hostile and uncooperative.

The witness stated the complainant did not want to relinquish her hands for handcuffing. The witness said the officers used force to get the bike away from the complainant, to take her to the ground and used force to handcuff the complainant. The complainant acknowledged she did not relinquish her arms to the officers for handcuffing because she didn't do anything wrong and didn't feel there was a reason for her to be handcuffed. The complainant stated she told an officer she did not want an ambulance.

The evidence showed that the officers did not use excessive or unnecessary force when they placed a resisting person under arrest. All officers, the complainant and a witness stated the complainant verbally and physically resisted being placed under arrest.

SUMMARY OF ALLEGATION #8: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The officer denied the allegation and stated she checked the handcuffs for proper tightness. The complainant stated she sustained an injury to her wrists from landing on her wrists when she was pushed or pulled into the patrol car. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/20/06 **DATE OF COMPLETION:** 06/23/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant did not respond to contact requests. There is insufficient evidence to proceed with the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/19/07 **DATE OF COMPLETION:** 06/10/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer stated he spoke in a loud voice, in order to be heard from his radio car for the complainant to pull his bicycle over to the side of the road and out of the lanes of traffic. The officer said the complainant was uncooperative, confrontational and noncompliant with his directions and commands during the entire contact. The officer said his demeanor was professional and courteous throughout the contact with the complainant. The witness officer corroborated the named officer spoke out loud enough for the complainant to hear and to obey his reasonable order to stop and proceed to the sidewalk. The witness officer stated the named officer was professional and remained calm with the complainant throughout the contact. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he handcuffed the complainant for the complainant's safety and for his own safety. The officer said the complainant was uncooperative from the beginning of the contact. The officer stated the complainant failed to adhere to his verbal commands and continued to question his verbal requests. The officer said he told the complainant repeatedly of the reason for the stop and the reason for the pat search. The officer stated the complainant kept twisting his torso from side to side and trying to put his hands down to his side. The witness officer corroborated the named officer's account of the complainant's demeanor and lack of compliance to his verbal commands.

Officers are "authorized to take such steps as [are] reasonably necessary to protect their personal safety and to maintain the status quo during the course of the stop." 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 pat searched the complainant without cause.

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

FINDINGS OF FACT: The officer stated he conducted a pat search on the complainant for weapons. The officer said it was dark, and the complainant had on bulky clothing and a backpack. The officer said the complainant was uncooperative, confrontational and noncompliant with his directions and commands during the contact. The officer stated prior to making the traffic stop, the complainant made eye contact with the officers and went through the red light, regardless of their presence.

The witness officer corroborated the pat search of the complainant and observed the complainant move his body from side to side in an uncooperative manner. The witness officer stated the complainant's demeanor was confrontational. California law allows officers to conduct a pat down or limited weapons search of detainees for weapons of the outer clothing, providing they articulate specific facts which make an officer feel in danger. 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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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 06/05/08 **PAGE#** 1 of 1

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 that she was involved in a physical altercation with a woman. Another person was injured during the fight. The complainant stated the officer arrived late, failed to conduct a complete investigation, failed to arrest the other party to the fight and prepared an inaccurate report. The evidence established that the named officer and a witness officer responded to a report of a fight in a timely manner. The evidence also established that the named officer interviewed both parties who had been involved in the fight, along with at least three witnesses. The officer allowed both individuals to complete citizen's arrest forms but did not arrest either suspect because both participated in the fight and he could not determine which was the aggressor. Department regulations specify that if the officer receiving a citizen's arrest believes there is insufficient ground for making a criminal complaint, they may release the individual. The named officer prepared an incident report as required by Department regulations. The evidence established that the officer's actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/12/07 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used inappropriate comments and behavior toward the complainant.

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

FINDINGS OF FACT: The complainant stated the officer got angry and made her feel as if she was the criminal and not the victim. The officer denied the allegation and said he was professional and courteous to the complainant. The officer stated the complainant was delusional, excited, yelling, screaming, and non-cooperative. Witnesses corroborated that the complainant was delusional, yelling, screaming, and non-cooperative. 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 unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated the officer “mangled and smashed” her. The complainant further said the officer grabbed her and caused pain to her body. The officer said the complainant was not cooperative, yelling, and screaming. The officer stated he used minimal physical wrist control in getting the complainant to comply. The witnesses stated they did not see any force used on the complainant by the officer. The witnesses stated the officer did not use any force on the complainant. The evidence proved that the act alleged in the complaint did occur; however the officer’s actions were not excessive or unnecessary. Therefore the officer’s actions were lawful and proper pursuant to Department policy and procedures.

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity at the scene. The officer denied the allegation. The witnesses stated the officer did not use any profanity. The evidence proved that the acts alleged did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/28/07 **DATE OF COMPLETION:** 06/02/08 **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 alleges that the officer arrested him without cause. The evidence shows that complainant was arrested on a warrant and for trespassing. The evidence proved that the act, which provided the basis for the allegation occurred. However, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT The complainants allege the officer used unnecessary force during their son's arrest. 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 made inappropriate behavior and/or comments.

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

FINDINGS OF FACT: The complainants allege the officers displayed inappropriate behavior and/or made inappropriate comments towards their son while he was in police custody. 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 #3: The officer made racially derogatory comment.

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

FINDINGS OF FACT The complainants allege the officer made racially derogatory comment towards their son while he was in police custody. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants allege the officers arrested their son without cause. The evidence shows that the complainants' son was arrested for possessing a loaded firearm, terrorist threats and battery. In his OCC interview, the complainants' son admitted possessing a firearm and throwing it to nearby shrubs immediately prior to the officers' arrival. The firearm was duly recovered. The evidence proved that the act, which provided the basis for the allegation occurred. However, such act was justified, lawful and proper.

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SUMMARY OF ALLEGATION #6: The officers displayed inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainants allege that while at Bayview Station, an officer disclosed information about her son to another person without their approval and consent. The officer also made inappropriate comment. The complainants further allege that they asked a female officer at the front widow for the badge number of another officer but the female officer did not provide them the information. The complainants stated they asked the same officer for her badge number but she covered her badge with her left hand. The officers were not properly identified. The officers that were questioned regarding this allegation denied committing the foregoing acts. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainants allege that at Bayview Station, they approached an officer and told him that they wanted to file a complaint. The complainants stated the officer did not respond and walked away from them. The officers that were questioned regarding this allegation denied committing the act. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The evidence proved that the officer's report fell within the standards set forth by the department.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/11/07 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was cited for not wearing a seat belt three times by the same officer within four months. The complainant acknowledged that on each of those occasions, she indeed was not wearing a seat belt. The named member recalled citing the complainant but denied “targeting” and “selecting” her for enforcement actions. Given the officer’s daily assignments – traffic scofflaw” in the same district where the complainant resides – his actions were justified, proper and within the scope of his duties as a police officer.

SUMMARY OF ALLEGATION #2: The officers acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The named members denied acting inappropriately or making inappropriate comments during each of his three contacts with the complainant. The alleged comments (even as articulated by the complainant) the OCC found reasonable and proper given the context of the complainant’s traffic stops.

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DATE OF COMPLAINT: 01/11/07 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 2 of 2

OCC ADDED ALLEGATIONS

SUMMARY OF ALLEGATION #1: The officer failed to properly document traffic stops.

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

FINDINGS OF FACT: The named member, a traffic enforcement officer assigned to a district station and paid for by the funds from a federal grant, stated that he had been instructed to forward his daily reports to the “grant” sergeant at the traffic enforcement company for subsequent computer entries. The said “grant” sergeant admitted supervising several solo traffic enforcement officers assigned to district stations and collecting the results of their daily activity for “grant reporting purposes” but not for the collection of data introduced by the Department E585 policy. According to this supervising sergeant, he instructed the named member (together with the rest of the district solo traffic enforcement officers) to perform the data entry function themselves as required by the relevant Department Policy. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The evidence developed by the OCC during the investigation of this case (as well as the results of investigation in several other cases involving the same issue), showed that the Department Policy on Traffic Stop Data Collection failed to accurately and completely capture the officers activity on this aspect and did not establish effective mechanism for the Department supervisors to monitor and enforce this policy.

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

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

FINDINGS OF FACT: The complainant alleged that the officer repeatedly refused to release the hold on his vehicle. Records show that the hold was removed after the vehicle was properly registered. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/17/06 **DATE OF COMPLETION:** 06/21/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1 and #2: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The officer denied this allegation in a statement to the Office of Citizen Complaints. The officer also stated that he did not witness any officers acting inappropriately or speaking inappropriately. There were no civilian witnesses, per the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The officer denied this allegation in a statement to the Office of Citizen Complaints. There were no civilian witnesses, per the complainant. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/18/08 **DATE OF COMPLETION:** 06/19/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer negligently parked a Department vehicle on a regular basis.

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

FINDINGS OF FACT: The officer acknowledged that, on a regular basis, he parked his Police Department vehicle in front of a fire hydrant whenever he took his dinner breaks. Parking in front of a fire hydrant is a violation of California Vehicle Code section 22514. There are exceptions to the rule; however, parking an unattended Police Department vehicle in front of a fire hydrant is not one of them. The allegation is sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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DATE OF COMPLAINT: 01/28/08 **DATE OF COMPLETION:** 06/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly prepare an incident report.

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

FINDINGS OF FACT: The complainant stated the officer failed to identify two vital witnesses of the battery committed upon her in the incident report. The complainant believed the officer's alleged neglect affected the decision by the District Attorney's office to prosecute the suspect for battery. Two witnesses on scene gave conflicting statements regarding their presence at the scene and their observations. One of these witnesses denied the battery reported by the complainant. Another witness on scene could not verify or deny the allegation. The suspect reported by the complainant was arrested under another statute based in prima facie evidence. 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: 02/05/08 **DATE OF COMPLETION:** 06/06/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers 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 June 2, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: