

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/26/09 **DATE OF COMPLETION:** 09/12/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated unnecessary force was used during the arrest of her friend. The complainant said the officer stepped on her friend's neck and shoulders while he was handcuffed. The officer denied the allegation and said he was at a different location during the incident. The complainant failed to cooperate and provide a statement to Office of Citizen Complaints. Witnesses at the scene did not cooperate with the investigation and refused to provide statements or were not located despite diligent efforts by Office of Citizen Complaints. The complainant and others failed to provide information needed to complete the investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers failed to properly investigate an incident. The officers denied the allegation. The evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #3-4:** The officers used profanity.

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

**FINDINGS OF FACT:** The complainant alleged that the officers used profanity during the contact. The officers that were questioned denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 02/27/09 **DATE OF COMPLETION:** 09/04/09 **PAGE** #2 of 2

**SUMMARY OF ALLEGATION #5:** The officer behaved inappropriately and/or made threatening comments.

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

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

**SUMMARY OF ALLEGATION #6:** The officers made sexually derogatory comments.

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

**FINDINGS OF FACT:** The complainant alleged that the officer made sexually derogatory comments during the contact. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 03/11/09      **DATE OF COMPLETION:** 09/13/09      **PAGE#** 1 of 4

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer displayed a firearm without justification.

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

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

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**SUMMARY OF ALLEGATION #3:** The officer made inappropriate comments and engaged in inappropriate behavior.

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

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

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

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

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

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**SUMMARY OF ALLEGATION #5:** The officer conducted a search of a person without cause.

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

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

**SUMMARY OF ALLEGATION #6:** The officer conducted a search of a vehicle without cause.

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

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

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**SUMMARY OF ALLEGATION #7:** The officer conducted a search beyond the scope of authority.

**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:**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer activated his flashing red lights for no apparent reason. The officer stated in his written response, "I remember that we may have been trying to catch up to a vehicle that was reported to have an armed suspect on board." The officer's partner denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATION #1:** The officer entered/searched the residence without cause.

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

**FINDINGS OF FACT:** The complainant alleged that San Francisco Police Department officers entered and searched his residence without cause. The officer in charge of the operation stated that they entered/searched the complainant's residence pursuant to a valid search warrant. Office of Citizen Complaint's investigation established that there was a valid search warrant at the time of the entry and search. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, the acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #2-3:** The officer's weapon was drawn without cause.

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

**FINDINGS OF FACT:** The complainant stated that San Francisco Police Department officers entered his residence with guns drawn. Office of Citizen Complaint's investigation established that the officers entered the complainant's residence pursuant to a valid search warrant. One of the officers questioned regarding this allegation admitted drawing his weapon but denied pointing it at the complainant. Other officers questioned denied having their guns drawn. The evidence proved that the act, which provided the basis for the allegation, occurred, however, the act was justified, lawful, and proper.

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**SUMMARY OF ALLEGATION #4:** The officer damaged property without cause.

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

**FINDINGS OF FACT:** The complainant alleged that the officer damaged his property. The officer stated that after complying with the requirements of knock and notice, he forced entry into the complainant's residence using a department issued battering ram. The evidence proved that the act, which provided the basis for the allegations, occurred; however the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer issued a parking citation to the complainant for a violation of curbside parking at the airport. The complainant admitted being parked in the location for less than two minutes. The complainant argued he should not have been issued the citation because he would have moved the vehicle had the officer given him the opportunity to do so. Secondly, the complainant contended the officer enhanced the fine amount when only approximately one quarter of the complainant's vehicle was parked in the red zone. The red zone sign designates "No Stopping At Any Time." The officer said the complainant failed to heed warnings to move the complainant's vehicle. Additionally, the complainant became argumentative, offensive and walked away from the vehicle. The Airport Commission's Rules & Regulations implies that any part of the vehicle parked in this zone is subject to violation. 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 displayed inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The officer issued a parking citation to the complainant for a violation of curbside parking at the airport. The complainant said the officer shined a flashlight in the complainant's face, called for additional police units to arrive when it was not necessary and yelled at the complainant to get back in his car when the complainant attempted to help his friend with her luggage. The officer said the complainant failed to heed warnings to move the complainant's vehicle and made movements in the car which appeared the complainant was reaching for something under the seat. Since it was becoming dark outside and for the safety of the officer, the officer shined his flashlight in the complainant's vehicle to see what the complainant was doing. For officer safety, the officer admitted yelling at the complainant to get back in his vehicle until the officer had completed writing the citation. The officer denied calling for back up and said other officers were on patrol in the area. It is their prerogative to stay in the vicinity if they so determine. No independent witnesses were developed to provide evidence the officer was attempting to intimidate the complainant by shining the flashlight in the complainant's face. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer engaged in racially biased policing.

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

**FINDINGS OF FACT:** The officer issued a parking citation to the complainant for a violation of curbside parking at the airport. The complainant contested the issuance of this citation and said the officer should have issued citations to the drivers of other vehicles who were also parked near the same location. The officer allegedly said the complainant's behavior or language was "typical" after the complainant concluded his argument. When the complainant was asked to explain how he felt by the officer's alleged use of the word "typical," the complainant did not describe how he was offended. The officer said the drivers of the other vehicles illegally parked in the location moved their vehicles when signaled to do so; however, the complainant failed to move his. Additionally, the officer said the complainant became offensive and argumentative. Although, the complainant's friend arrived near the conclusion of this citation and allegedly heard the officer use the word "typical", no independent witnesses were developed to provide evidence the officer said this. 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:** 04/03/09    **DATE OF COMPLETION:** 09/03/09    **PAGE #1** of 2

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

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

**FINDINGS OF FACT:** The complainant alleged the officers arrested her in a location where she once had a stay away order that had been rescinded by a valid court order. She showed the OCC a copy of this order, which she claimed she displayed to the officers. The officers denied the allegation, stating they never saw the complainant display such proof. The officers stated they had independent probable cause to arrest the complainant. The witness did not come forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to properly process the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated she showed the officers a copy of a court order rescinding a stay away order from the block where she was arrested. She stated one of the arresting officers destroyed it in her presence. The officers denied the allegation. The witness did not come forward. 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 #5-6:** The officers performed a strip search of the complainant without cause.

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

**FINDINGS OF FACT:** The complainant alleged two female police officers performed an illegal strip search of her without cause. In her OCC interview, the complainant admitted she had heroin stored inside her groin area on the time and date of her arrest. One arresting officer observed the complainant remove narcotics from her groin during a hand-to-hand transaction on the street. Officers arrested the complainant in violation of a rescinded stay away order. The complainant showed the OCC a copy of a rescinded stay away order, saying she showed it to the arresting officers. The officers denied the allegation, stating they were authorized to strip search the complainant following a signed authorization by a sergeant. A sergeant signed off on the strip search authorization after arresting officers informed him of their street observations.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

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

**FINDINGS OF FACT:** The complainant has not provided requested information. There is no identifying information on the officer and there is no specific date provided.

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

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

**FINDINGS OF FACT:** The complainant has not provided requested information. There is no identifying information on the officer and there is no specific date provided.

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

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

**FINDINGS OF FACT:** The complainant and witness gave inconsistent statements. Medical documentation contradicts the complainant's statement. The officers stated that the complainant was intoxicated and resisted arrest. Given the inconsistent evidence a definitive finding cannot be reached.

**SUMMARY OF ALLEGATIONS #2-5:** The officers used unnecessary force against the complainant.

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

**FINDINGS OF FACT:** The complainant and witness gave inconsistent statements. Medical documentation contradicts the complainant's statement. Officers said the complainant was intoxicated and resisted arrest. The officers denied using unnecessary force against the complainant. Given the inconsistent evidence a definitive finding cannot be reached.



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**DATE OF COMPLAINT:** 04/15/09      **DATE OF COMPLETION:** 09/19/09    **PAGE #1 of 1**

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

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

**FINDINGS OF FACT:** The complainant was detained for violating Penal Code §314. The complainant is an activist for “Free Body Culture,” an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of PC §314, because he does not do anything that can be considered “lewd.” The language of the statute, the CALJIC jury instruction, and California case law appear to support the complainant’s position. The Department does not have a specific policy clarifying enforcement procedures for public nudity that distinguishes simple nudity from lewd behavior.

**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 officers denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

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

**FINDINGS OF FACT:** The complainant stated that she was walking across the street when the officer yelled at her “just cross the street”. One officer questioned by the Office of Citizen Complaints denied having any contact with the complainant. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 04/16/09 **DATE OF COMPLETION:** 09/08/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer misrepresented the truth in her letter to one of the named officer's subordinates. The officer denied the allegation. The officer stated that information contained in the letter was information she received from the Management Control Division. The evidence proved that the act alleged in the complaint did not occur, and that the officer was not involved in the act alleged.

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

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

**FINDINGS OF FACT:** The complainant alleged that she was harassed by the Department, and that the officer interfered with an on-going criminal investigation. The officer denied the allegation. OCC's investigation established that the Management Control Division of the San Francisco Police Department contacted the complainant to interview her as a witness in an on-going internal investigation against one of the members of the Department. When the complainant refused to cooperate with the internal investigation, no further attempts were made to interview the complainant. The evidence proved that the act alleged in the complaint did not occur, and that the officer was not involved in the act alleged.

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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 the officer was “rude” and threatening on the phone. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated the officers detained him without justification. The complainant admitted his vehicle was double parked in front of his residence in violation of California Vehicle Code (CVC) 22500(h). The officers said they encountered an unoccupied double-parked vehicle. The officers stated they saw the complainant walk to the vehicle. The officers further investigated the complainant due to recent crimes within the neighborhood. The witnesses confirmed officers detained the complainant. The evidence proved that the act alleged did not occur, however said act was proper and justified.

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

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

**FINDINGS OF FACT:** The complainant stated the officer used force on him. The complainant said the officer escorted him to the sidewalk from the street by grabbing his arm and pushing him. The officer stated she placed her hand on the complainant's elbow and escorted him from the street onto the sidewalk. The officer said the complainant was aggressive, belligerent, and not cooperative. The witness said she saw a female officer grab the complainant. Another witness stated she did not see the officer escort the complainant onto the sidewalk. 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 searched the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated the officers searched him without justification. The officers stated they had the complainant kneel for a pat down kneeling cursory search but did not actually search the complainant, because of his uncooperativeness. The witness confirmed the complainant was attempting to kneel for a search. Another witness said she had a brief view of the incident and did not see the officers search either the complainant or his vehicle. There is insufficient evidence to prove or disprove the allegation 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 entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer entered her residence without a search warrant. The officer stated he obtained a search warrant signed by a judge to search three different addresses, including the complainant's home. The officer stated he executed the search warrant by entering and searching the complainant's residence. A copy of the search warrant corroborated the officer's statement. The evidence showed that the officer acted properly, lawfully and within Department guidelines.

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

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

**FINDINGS OF FACT:** The complainant stated the officer searched her residence without a search warrant. The officer said he obtained a search warrant signed by a judge to search three different addresses including the complainant's home. The officer stated he showed the complainant the search warrant upon entering and searching her residence. The officer stated he executed the search warrant by entering and searching the complainant's residence. A copy of the search warrant corroborated the officer's statement. The evidence showed that the officer acted properly, lawfully and within department guidelines.

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

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

**FINDINGS OF FACT:** The complainant stated the officer made her and her family sit on the living room couch when officers searched her residence. The complainant stated the officers were looking for a pistol that was used in a crime. The officer stated the complainant and her family were seated in the living room, while the bedrooms and living area was searched. The residents remained in the living room for the safety of the officers conducting the search, as there was a gun involved in the commission of the crime. The officer stated the residents were not handcuffed and one officer remained with the residents during the search. The evidence showed that the officer acted in a lawful and proper manner by having the complainant and her family detained in one area of the residence while a search warrant was executed. This procedure ensures the officer safety and the safety of all persons in the residence. It also guarantees that the search can be conducted without interference.

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately and made threatening comments.

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

**FINDINGS OF FACT:** The complainant stated that during the search of her residence, the officer acted inappropriately and made threatening comments. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #1-3:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 2, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

San Francisco Park Police  
501 Stanyan Street  
San Francisco, CA

**SUMMARY OF ALLEGATION #:**

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**FINDINGS OF FACT:**

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

**SUMMARY OF ALLEGATION #1:** The officers' behavior was inappropriate.

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

**FINDINGS OF FACT:** The complainant said the officer unnecessarily yelled at her repeatedly while asking for her insurance information, which she could not find inside her vehicle. The officer and his partner denied the allegation. The other motorist with whom the complainant had the collision and from whom she allegedly received threats also denied the allegation. There were no other witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant said the motorist with whom she had a collision threatened her after they exchanged information and the officers left them at the scene of their collision. The complainant said she drove to the officer, who was at another nearby location rendering medical aid to a pedestrian struck by a vehicle. The complainant alleged she requested to report the threat but the officer ordered her to leave the scene. The officer and his partner acknowledged the complainant approached the officer at the second location, but denied she informed them of the threat or that the officer ordered her to leave the scene. Another witness on scene could not prove or disprove the allegation. Another witness on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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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 he called the police because a store security guard assaulted him. He said when the police officers arrived; they were rude to him and refused to take his information for a police report. The complainant also stated the officers made him leave the store. The officers both stated once they responded to the scene, the complainant was speaking on his cell phone while they were attempting to assist him. The officers asked to speak to the complainant outside of the store, and once they walked outside, the complainant left the scene without giving the officers any information. Both officers denied refusing to take the complainant's information. One officer also stated the complainant was incoherent and walked away from the scene when asked if he needed any help. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant alleged the named officer used profanity when addressing him outside of the store. The officer denied using any profanity during this incident. A witness officer stated the named officer did not use profanity during this incident. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant alleged the named officer grabbed him by his jacket and threw him out of the store. The officer denied using or having to place his hands on the complainant. Video surveillance of the store displayed the interaction between the officer and the complainant. The named officer never placed his hands on the complainant. A witness officer stated the named officer never used any physical force, or had to place hands on the complainant. There are no independent witnesses to this incident. The evidence proved that the acts alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to follow proper procedures for serving a search warrant.

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

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

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

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

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

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**DATE OF COMPLAINT:** 05/08/09 **DATE OF COMPLETION:** 09/03/09 **PAGE #2 of 2**

**SUMMARY OF ALLEGATION #4:** The officer seized property without cause.

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

**FINDINGS OF FACT:** The Office of Citizen Complaints investigation established that the property was pursuant to a warrant. 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:**

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**SUMMARY OF ALLEGATION #1 :** The officer failed to comply with DGO 5.20.

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

**FINDINGS OF FACT:** The officer denied the allegation. The witness officer denied that the complainant asked for a Spanish speaking officer and that the complainant was unable to communicate. The complainant refused to be recorded during the OCC interview. The SFPD communication audio recording documented the complainant spoke English to request a Spanish speaking officer. There were no witnesses to the phone conversation. There is insufficient evidence to prove or disprove that there was a language barrier.

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The witness officer denied that there was a language barrier and that the complainant requested a report. The complainant refused to be recorded during the OCC interview. There were no witnesses at the scene. There is insufficient evidence to prove or disprove that the complainant was not serviced due to a language barrier.



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

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

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

**SUMMARY OF ALLEGATION #2:** The officer towed the complainants' vehicle without justification.

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

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

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**SUMMARY OF ALLEGATION #3:** The officer engaged in racially biased conduct.

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

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

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officers acted inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the officers were abusive because they would not allow him to talk. The officers denied the allegation. A witness stated that the complainant was belligerent and uncooperative. The complainant stated that he was unable to identify the officers. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to return his driver's license at the completion of the traffic stop. The officer admitted he neglected to return the complainant's driver's license at the completion of the traffic stop but he did return the driver's license via United States mail. The complainant received his driver's license several days later. A witness officer stated that the officer notified him that he failed to return the complainant's driver's license. 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 proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer denied the allegation. Two witnesses, who were friends of the complainant, stated the officer used profanity and repeatedly accused the complainant of lying to him. The statements of these witnesses were somewhat inconsistent. There was no additional evidence or any independent witnesses to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-4:** The officers entered the complainant's home without consent.

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

**FINDINGS OF FACT:** The officers stated the complainant's wife gave them her consent to enter the home. The complainant's wife stated she gave the officers her consent to enter the home. The officers' conduct was proper.

**SUMMARY OF ALLEGATIONS #5-8:** The officers used unnecessary force during the complainant's arrest.

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

**FINDINGS OF FACT:** According to the complainant, two police officers pulled him out of bed and threw him on the ground. He stated an officer with an "Irish accent" pulled his hands behind his back and pulled them up as far as they could go, injuring his right shoulder. This officer also used too much pressure on his hands while handcuffing him. This officer allegedly kicked the complainant in the back several times. He further stated when he was being placed in the patrol car, he hit the right side of his forehead, causing it to bleed.

According to the complainant's medical records, he underwent arthroscopy for a torn rotator cuff on his right shoulder several months after his arrest. The records do not indicate the cause of the injury.

Two officers stated when they entered the complainant's bedroom, he got out of bed and became verbally aggressive, balled his fists and took a fighting stance. Each officer took one of the complainant's arms and took the complainant to the floor using a Department-approved bar-arm takedown. The complainant never complained of pain and no force was needed or used to handcuff the complainant. Neither officer had an "Irish accent."

The two transporting officers stated they did not observe the complainant being taken into custody. They stated the complainant did not strike his head while getting into the patrol car. He did not complain of pain and had no visible injuries.

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**SUMMARY OF ALLEGATIONS #9-12:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant was arrested for vandalism and for resisting arrest. In his OCC interview, the complainant stated that he has made complaints about his neighbor's construction of his house. He stated that he had sprinklers set on a timer to water his outdoor plants on the second floor of his house. He denied that the sprinkler was aimed at his neighbor's house. Two officers stated on the third floor balcony of the complainant's house, he observed a spray nozzle aimed, with a piece of cement, to spray in the direction of the neighbor's house. There also was a gutter set near the nozzle to direct water down to the neighbor's house, which was under construction and lacked a roof. An inspection of the neighbor's house revealed that the house was under water and completely ruined. The neighbor told the officer that the complainant has been harassing him for ten years. Photos taken by an officer showed the damage to the neighbor's house. The photos also show a hose secured by a large piece of cement directing the hose over the edge of the roof, away from a planter box. The vandalism arrest was proper.

**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 take required actions.

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

**FINDINGS OF FACT:** The complaint stated that the officers failed to promptly take her report regarding a suspected burglary of her former residence and they neglected to interview a possible witness to the occurrence. Additionally, prior to the officers' arrival to the scene, the complainant picked up from the ground in front of the house several personal items and she asked the officers to take them as evidence, but they refused saying that the chain of custody was compromised. The named members denied the complainant's allegation of misconduct. The Office of Citizen Complaints found that the officers, in fact, wrote the report regarding the incident (removal of the complainant's property from the abandoned San Francisco Housing Authority dwelling by the San Francisco Housing Authority employees). The report also indicated that the person identified by the complainant, was indeed interviewed at the scene and he said that he saw San Francisco Housing Authority employees removing the complainant's belongings from the unit previously occupied by the complainant. The available evidence showed that the misconduct alleged in the complaint did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer acted in an inappropriate manner during the incident. The named member denied acting in the said manner. Two other officers, who were present at the scene, supported this statement. 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 #1-2:** The officer detained the complainant without justification.

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

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

**SUMMARY OF ALLEGATION #3-4:** The officer searched the vehicle without cause.

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

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

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**SUMMARY OF ALLEGATION #5-6:** The officer searched the complainant without cause.

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

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

**SUMMARY OF ALLEGATION #7-8:** The officer arrested the complainant without cause.

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

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

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**SUMMARY OF ALLEGATION #9-10:** The officer towed the complainant's vehicle without cause.

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

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

**SUMMARY OF ALLEGATION #11-12:** 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.

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**SUMMARY OF ALLEGATION #13-14:** The officer entered the complainant's residence without cause.

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

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

**SUMMARY OF ALLEGATION #15-16:** The officer used unnecessary force during the detention.

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

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

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**SUMMARY OF ALLEGATION #17-18:** The officer displayed inappropriate behavior and harassed the complainant.

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

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

**SUMMARY OF ALLEGATION #19-20:** The officer wrote an inaccurate incident report.

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

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

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**SUMMARY OF ALLEGATION #21:** The officer failed to take the required action.

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

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

**SUMMARY OF ALLEGATION #:**

**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:** 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 September 9, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 9, 2009

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

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

**FINDINGS OF FACT:** The complainant stated the officer was arrogant toward him. The officer denied the allegation and said he was polite and respectful toward the complainant. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer failed to take a complaint.

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

**FINDINGS OF FACT:** The complainant stated the officer refused to take his complaint. The officer said he provided a copy of the complaint form to the complainant. The officer stated the complainant completed the complaint form at the station and requested to mail it in on his own. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.



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**SUMMARY OF ALLEGATION #3:** The officer used an intimidating manner.

**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 July 1, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 1, 2009.

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**SUMMARY OF ALLEGATION #5:** The officer demonstrated a rude demeanor.

**CATEGORY OF CONDUCT:** D **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 July 1, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated he observed an officer in a patrol car driving inattentively and committing infractions. The officer denied the allegation. The CAD corroborates that the vehicle identified as the one an officer was driving was not in the area that the complainant states.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-2:** The officers threw away property.

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

**FINDINGS OF FACT:** The officers denied committing the alleged act. The reportee said one of the officers threw the bushes into the gutter/curb. The complainant said the officers threw his bushes into the trash. There is conflicting evidence regarding what the officers did with the bushes therefore a definitive finding cannot be reached.

**SUMMARY OF ALLEGATION #3:** The officer conducted himself in an inappropriate manner.

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

**FINDINGS OF FACT:** The officer denied committing the alleged act. The reportee saw one of the officer's struggling to take possession of the bushes from the complainant but denied witnessing any inappropriate conduct by either officer. There is conflicting evidence regarding the officer's possession of the bushes therefore a definitive finding cannot be reached.

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**SUMMARY OF ALLEGATION #1:** The officer uttered a sexually derisive slur.

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

**FINDINGS OF FACT:** The complainant stated the officer uttered a sexually derisive slur. The officer denied making a sexual slur. The complainant stated her mother heard the officer say the slur but she did not want her mother to be interviewed. The officer's partner stated that he did not hear the officer say a sexual slur or use any other profanity. A possible witness identified by first name only did not respond to contact attempts. There was no additional evidence and no other witnesses 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 failed to take required action.

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

**FINDINGS OF FACT:** The complainant alleged in September 2004, the named officer failed to provide a letter stating that a member was in possession of his construction tools and/or equipment. The complainant stated the officer obtained this information during his investigatory interview with the member. The named officer denied the allegation. He asserted the allegation is inaccurate and has incorrect information. The officer was not aware of the complainant in September 2004; therefore, it would have been impossible for him to provide the complainant with the information alleged. The date of the investigatory interview with the officer regarding this matter took place in January 2005. The named officer added that *it* is absolutely inappropriate and more so unethical to provide a civilian complainant with the statements made by a sworn member during a process such as an internal affairs investigation. The named officers record of investigation indicated the case was assigned to him in October 2004 and the affected officer was interviewed in January 2005. The internal affairs department investigations are to sensitive and confidential matters. 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 # 2:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant alleged the named officer gave him legal advice to file a lawsuit against a member, which led to his arrest. The named officer denied the allegation. He did not recall ever advising the complainant to sue the member, nor was he in the position to make such an advisement. Arrest documents provided by the complainant revealed the complainant was arrested for violating a restraining order. The complainant stated he was aware of the effective restraining order against him. The complainant further stated he consulted with an attorney prior to filing his civil lawsuit. There is no correlation between the allegation and the reason for the complainant's arrest. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer was involved in inappropriate conduct.

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

**FINDINGS OF FACT:** The action complained of does not involve a sworn member of the department. The officer is no long a sworn member of the police department.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant denied she committed two traffic violations as presented by the officer. The complainant stated she was stopped with hazard lights waiting for a parked vehicle to vacate the space for her to enter. She denied that she failed to yield to pedestrians in a crosswalk. The complainant said she was not aware of the mechanical defect on her vehicle. The officers observed the complainant double park for an extended period of time, and then proceeded to cross in the path of two pedestrians walking within a crosswalk on a green light, halfway on the westbound lane. Both officers noted that the complainant's right rear brake lamp was not functioning during their observations. The officers activated the patrol car's red light and siren and conducted a traffic stop on the complainant. The complainant's seven year-old son was a seat-belted passenger located in the right rear of the vehicle. The complainant's son stated the officers had no reason to stop his mother because she didn't cut off any person. The stopped vehicle with hazard lights on provided the officers with probable cause for a traffic stop and detention. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant denied she committed two traffic violations as presented by the officer. The complainant stated she was stopped with hazard lights waiting for a parked vehicle to vacate the space for her to enter. She denied that she failed to yield to pedestrians in a crosswalk. The complainant said she was not aware of the mechanical defect on her vehicle. The officer denied the allegation. The named officer wrote a citation for the inoperable brake lamp and for failure to yield to pedestrians. He observed the complainant commit the violation and observed the inoperable brake lamp on her vehicle. The patrol vehicle was approximately 15 feet to the rear of the complainant's vehicle during the pedestrian violation. A traffic stop was conducted on the complainant's vehicle. The witness officer corroborated the account of the complainant's violations. The complainant's son stated the officers had no reason to stop his mother because she didn't cut off any person. There is insufficient evidence to either prove or disprove the allegation.



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**DATE OF COMPLAINT:** 06/17/09 **DATE OF COMPLETION:** 09/13/09 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant said the officer made contact with her and did not explain the reason for the traffic stop. At the conclusion of the traffic stop, the officer opened the right rear door of the complainant's vehicle to visually check her son's age and weight and asked an inappropriate question. The complainant admitted her vehicle had heavily tinted rear windows. The named officer denied the allegation. Upon contact with the complainant at the driver side window, she angrily and abruptly asked why she had been stopped. The officer said he requested the complainant turn her vehicle off as a safety procedure. He told the complainant she was pulled over for being double-parked on a main thoroughfare, that she had an inoperable brake lamp and for failure to yield to pedestrians crossing the crosswalk. The named officer affirmed that due to the tinted windows on the complainant's vehicle, he opened the right rear door to look at the complainant's son and to ask the complainant her son's age and weight. The officer said this was necessary to determine if her son should be in a child safety seat or a standard seatbelt. The witness officer corroborated he could hear the named officer tell the complainant she had been stopped because of an inoperable brake lamp and a pedestrian right of way violation. The witness officer also corroborated that the named officer asked the complainant how old her son was. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/17/09 **DATE OF COMPLETION:** 09/13/09 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #5:** The officer's comments and behavior were threatening and intimidating.

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

**FINDINGS OF FACT:** The complainant alleged the officer threatened to cite her for another violation, demanded she turn off her engine and unlock her doors. The complainant alleged the officer spoke rudely to her son. The named officer denied the allegations. He said he was very diligent in explaining the violations he observed and the violations on her citation. The officer explained that the mechanical violation was a correctable violation and the process to clear the violation. He told the complainant about her option for traffic school, if she were eligible. As an officer precaution, the officer said he asked the complainant, "Would you please turn off your car?" He did not raise his voice or change his body posture when he made the request. The officer denied asking or ordering the complainant to unlock her doors. Rather, he asked the complainant if the back door was unlocked. The rear windows were tinted and the officer could see a small child in the rear seat. The child appeared to be younger than six years old and less than sixty pounds in weight. Therefore, the named officer told the complainant that he wanted to make sure the small child was properly secured. The officer stated he was completely polite and professional when he asked the complainant and her son how much he weighed. The officer denied addressing the complainant's son in a rude or threatening manner. The witness officer denied the named officer was rude. He heard the named officer ask the complainant how much her son weighed and never heard the officer ask the complainant to unlock her door. The witness (complainant's minor child) said the officer opened the car door and asked him how much he weighed in a "mean" voice. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/18/09 **DATE OF COMPLETION:** 09/03/09 **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1:** The officer wrote and incomplete or inaccurate report.

**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 September 2, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/26/09    **DATE OF COMPLETION:** 09/19/09    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said he left messages for the Inspector regarding an ongoing case, but the Inspector failed to respond for about two months. The complainant further stated the Inspector did set an appointment for him and did meet with him. The complainant said the meeting lasted only twenty minutes wherein the case was discussed. The Inspector said he is the department's contact officer for a high profile case from the 1960's to the 70's. The Inspector stated he received messages from the complainant and from other sources regarding the complainant. He followed up accordingly with phone calls that were not returned. The Inspector said he eventually set an appointment and met with the complainant. The Inspector determined that the information and evidence provided by the complainant were not applicable to the open case. The Inspector advised the complainant that he could provide mental health care referrals to the complainant if needed. The Inspector was in contact with another law enforcement agency that agreed the complainant's information was not viable to the open case. The investigation showed that the Inspector's actions were appropriate and justified.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/29/09 **DATE OF COMPLETION:** 09/04/09 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant admitted to the violation.

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

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

**FINDINGS OF FACT:** The officer admitted to not having an OCC complaint form with him at the time of the incident so he agreed to meet the complainant at the substation where he provided the complainant with one. The officer denied that the complainant asked him for assistance in filling out the form. There were no witnesses. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/29/09 **DATE OF COMPLETION:** 09/13/09 **PAGE #1 of 1**

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

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

**FINDINGS OF FACT:** The complainant traveled to the airport and left her parked vehicle in order to assist her sister with her luggage. The named officer stated he saw the complainant's vehicle parked in a red zone and issued a citation. He gave 3-4 loud verbal warnings over his PA for the owner to move their vehicle or they would be cited because no waiting or parking was allowed. The complainant continued to get a cart from the smart cart machine and she did not return to her vehicle. Once the complainant returned to her vehicle, the officer was in the middle of issuing a citation. The officer showed her that her vehicle was illegally parked. The complainant admitted to leaving her vehicle unattended in the red zone, but was not aware she was in a red zone until the officer made her aware of it because there was a vehicle blocking her view. There were no independent witnesses to this incident. The Office of Citizen Complaints was not able to reach the complainant's sister due to difficulties with international calling. 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 displayed inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated while she was at the airport, the named officer yelled at her while he was giving her a citation. The named officer admitted to making an announcement over his PA for the owner of the illegally parked vehicle to move or they would be cited, but he denies yelling directly at the complainant during the citation issuance. The named officer further stated he did have to talk over the complainant due to the noise of being next to the airfield at the airport. There were no independent witnesses to this incident. The Office of Citizen Complaints was not able to reach the complainant's sister due to difficulties with international calling. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/27/09 **DATE OF COMPLETION:** 09/04/09 **PAGE #** 1 of 2

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

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

**FINDINGS OF FACT:** The complainants alleged that the officers failed to take required action. The complainants said the officers released the person who assaulted one of the complainants and stole her purse. The officers denied the allegation. The officers stated they released the person due to lack of probable cause to make an arrest. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3-4:** The officers behaved inappropriately and/or made inappropriate comments.

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/27/09 **DATE OF COMPLETION:** 09/04/09 **PAGE #2** of 2

**SUMMARY OF ALLEGATION #5:** The officer failed to provide his badge number upon request.

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

**FINDINGS OF FACT:** One of the complainants alleged that the officer failed to provide his badge number when asked. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/08/09 **DATE OF COMPLETION:** 09/22/09 **PAGE #1** of 1

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

**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 September 11, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/16/09 **DATE OF COMPLETION:** 09/26/09 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The named officer denied the allegation. The complainant was unable to provide witness information. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**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 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:** 08/07/09   **DATE OF COMPLETION:** 09/04/09   **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer requested his identification without justification during a traffic stop. The evidence shows that the complainant was not wearing a seatbelt when the officer contacted him. The evidence shows that the act, which provided the basis for the allegation, occurred. However, such act was, justified, lawful, and proper.

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately during a traffic stop. The officer denied the allegation and having contact with the complainant. The officer's partner corroborated his statement. The officer's partner stated that it was he who contacted the complainant. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/12/09 **DATE OF COMPLETION:** 09/26/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1-4:** The officer's behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant stated she called health care professionals and said she had thoughts of harming herself. She stated that when officers arrived on scene they asked inappropriate questions such as, was she all right, was she using alcohol or narcotics and was she taking or not taking any medication. The complainant also stated she was intimidated by the officers posture and stance. Department records show that four officers were dispatched to check on the complainant's well being pursuant to a request by a medical provider that the complainant was suicidal. Department Records show that the officers determined that there was no merit to the call and that the complainant did not meet 5150 criteria. The questions presented by the complainant would be appropriate for officers to ask in their 5150 evaluation of the complainant. The officer's posture and stance would be dictated by the situation and their training as primary and cover officers. The officer's actions were appropriate and justified.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/24/09 **DATE OF COMPLETION:** 09/22/09 **PAGE #1** of 1

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

**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 September 14, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/09 **DATE OF COMPLETION:** 09/26/09 **PAGE #1 of 1**

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

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

**FINDINGS OF FACT:** The complainant said the officer made an inappropriate comment. The officer denied the allegation. A witness did not hear the entire conversation and could not verify or deny that the comment was made. Office of Citizen Complaints attempts to identify and interview a second unknown witness were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/09 **DATE OF COMPLETION:** 09/26/09 **PAGE #1** of 3

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

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

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

United States Park Police  
1217 Ralston Avenue  
San Francisco, CA 94129

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

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

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

United States Park Police  
1217 Ralston Avenue  
San Francisco, CA 94129



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/09 **DATE OF COMPLETION:** 09/26/09 **PAGE #2 of 3**

**SUMMARY OF ALLEGATION #3:** The officer failed to inform the complainant of the arrest charges.

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

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

United States Park Police  
1217 Ralston Avenue  
San Francisco, CA 94129

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

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

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

United States Park Police  
1217 Ralston Avenue  
San Francisco, CA 94129

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/09 **DATE OF COMPLETION:** 09/26/09 **PAGE #3 of 3**

**SUMMARY OF ALLEGATION #5:** The officer failed to summon a female officer.

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

**FINDINGS OF FACT:** The allegation raises matters not within OCC's jurisdiction. The complaint has been referred to:

United States Park Police  
1217 Ralston Avenue  
San Francisco, CA 94129

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/27/09 **DATE OF COMPLETION:** 09/04/09 **PAGE #**1of 1

**SUMMARY OF ALLEGATION #:** 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:** 08/27/09 **DATE OF COMPLETION:** 09/04/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant decided 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:** 09/02/09 **DATE OF COMPLETION:** 09/13/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to properly operate a department vehicle.

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

**FINDINGS OF FACT:** The complainant stated that she was nearly hit by a patrol car while walking in a crosswalk. The complainant provided a partial license plate but could not identify the officer nor could she provide the number of the patrol car. Without a complete license plate number, San Francisco Police Department Fleet Management could not identify the vehicle. According to CAD records, there were no calls for service at that time and place. There were no available witnesses and no additional evidence to further 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:** 08/31/09    **DATE OF COMPLETION:** 09/19/09    **PAGE #1** of 1

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

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

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

San Francisco Municipal Transportation Agency  
1 South Van Ness Avenue  
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:** 09/03/09      **DATE OF COMPLETION:** 09/26/09      **PAGE #1** of 1

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in selective enforcement.

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The complaint raised matters outside the jurisdiction of OCC.

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

**FINDINGS OF FACT:** The complaint raised matters outside the jurisdiction of OCC.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The actions of the officer were inappropriate.

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

**FINDINGS OF FACT:** The complaint stated he is legally blind but felt the presence of police officers following him. The complainant said he could not identify any person from that day and further stated that he had no contact with anyone. A review of Department Records showed no officer contact or interaction with the complainant. The complainant did not provide any witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/10/09 **DATE OF COMPLETION:** 09/13/09 **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:** 09/16/09 **DATE OF COMPLETION:** 09/26/09 **PAGE** 1 of 1

**SUMMARY OF ALLEGATION #1:** The complainant raises matters not within OCC jurisdiction.

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

**FINDINGS OF FACT:** The complainant raises matters not within OCC jurisdiction. The complaint has been referred to:

Clerk of the Court  
Traffic Division  
850 Bryant Street, Rm. 145  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The complaint was not specific as to dates, officers or incidents. The complainant raises issues issued outside OCC's jurisdiction.

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

**FINDINGS OF FACT:** The complainant was not specific as to dates, officers or incidents. The complainant raises general quality of life issues within his neighborhood. The complaint has been referred to:

OIC  
San Francisco Police Department  
Taraval Police Station  
2345 24<sup>th</sup> Avenue  
San Francisco, CA 94116

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The complainant raises matters not rationally within OCC jurisdiction.

**CATEGORY OF CONDUCT:** N/A            **FINDING:** IO2            **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant raises matters not rationally within OCC jurisdiction.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/06/08      **DATE OF COMPLETION:** 09/21/09      **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1:** The officer used inappropriate behavior at the scene.

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

**FINDINGS OF FACT:** The complainant stated the officer was rude and over zealous during an incident that resulted in the complainant's car being towed. The complainant said the officer would not allow a courtesy call by the officers in order for the complainant and his pregnant wife to arrange transportation from the scene. The OCC will make a policy recommendation concerning courtesy calls during towing procedures.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer waited outside her residential building, and arrested her frivolously when she could not produce identification. The officer and her partner denied the allegation and stated they first saw the complainant with a known prostitute engaging people walking by in conversation, waving at vehicles without waving down taxi cabs that drove by, and soliciting people for prostitution related purposes. The officer and her partner said the complainant ran away into a gated area, was later detained, had no identification on her at that time, admitted to a prior prostitution related arrest, and gave them two names which did not match SFPD records. Other officers on scene could not verify the criminal activity reported but provided language assistance to query the complainant who provided a variety of names with false dates of births. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The complainant said the officer targeted her because the officer hates homosexuals. The complainant based this allegation only on the fact that she had had previous contacts with the officer and had been arrested by the officer in the past for the same offense. The officer denied the allegation and stated that Northern Station receives weekly calls for service to the complainant's address, which is within her beat sector. SFPD Vice Crimes Division records indicate the complainant was charged and admonished for a prostitution related offense four months before this arrest in the same area. The evidence showed that the conduct alleged did not occur.



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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 said she blamed the officer for not allowing her and her tenants to obtain their personal belongings after the Department Building Inspection (DBI) condemned it. The officer stated as the code enforcement officer at his district station, he received numerous complaints concerning the property the complainant was managing. The officer said he responded to the scene as a police escort to the Department Building Inspection as well as other City Departments. The officer stated the tenants were given written notices to vacate prior to the incident. Department Records document that the building was vacated on order of the Department Building Inspection and boarded up. Department Records document numerous calls for service at this address, which included multiple reports of individuals breaking in, or trespassing after the building was vacated. A witness, an inspector from Department Building Inspection, corroborated the officer's statement. The witness and the City Attorney further stated notices to vacate were sent prior to the red tagging of the building to all interested parties, which include the complainant and her tenants. The witness further stated Department Building Inspection handles any queries on entry and removal of a condemned building along with the allowance for any personal property removal. The witness said the complainant contacted them at their department and had made arrangements for her to remove her personal belongings. The evidence proves that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful & proper.

**SUMMARY OF ALLEGATION #2:** The officer intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant stated the officer intentionally damaged some of the tenants' doors in the building. The officer stated he is the code enforcement officer assigned to his station to assist the Department Building Inspections (DBI) along with the City Attorney's Office Code Enforcement Task Force regarding complaints about the building. The officer said he was a police escort to the Department Building Inspection and other city departments. The officer used a battering ram on some of the tenants' doors to verify if there were any tenants in them in his protective sweep before securing the building. Department Records document numerous calls for service at this address, which included multiple reports of individuals breaking in, or trespassing after the building was vacated. A witness from Department Building Inspection indicated some doors to the rooms were damaged due to making entry into the building by Department Building Inspection and the officer in order to verify if there were any more tenants or occupants in the building before securing the property. The evidence showed that the building was unsafe for habitation and had been re-tagged. The officer was lawfully performing his duties to ensure that the building was not occupied and that no other persons were inside the building.

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**SUMMARY OF ALLEGATIONS #1-2:** The officers arrested four juveniles without cause.

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

**FINDINGS OF FACT:** The complainant and three co-complainants stated the officers arrested their children without probable cause at a local middle school. The incident for which the juveniles were arrested occurred off campus. Five juveniles allegedly surrounded a child, tapped on his pockets for valuables, and prevented his escape. The officers charged the juveniles with attempted robbery, battery, false imprisonment and conspiracy. The officers denied the allegation. They stated their investigation of the incident yielded sufficient evidence to arrest all five juveniles, based on the standard applicable to juvenile arrests. The Office of Citizen Complaints conducted its own investigation. Based on its review of the evidence, the Office of Citizen Complaints found that there was sufficient evidence to arrest all four juveniles. 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 #3-4:** The officers failed to comply with Department General Order (DGO) 7.01 during their investigation and arrest of four juveniles.

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

**FINDINGS OF FACT:** The officers failed to comply with DGO 7.01 in several ways. 1.) The officers failed to take immediate steps to notify the juveniles' parents that they had detained their children and Mirandized them. The only notifications made by the officers were after they had completed their investigations, and that they had determined that the juveniles were subject to arrest and transport.

2.) Further, the children were notified of their arrest at a particular time. Prior to notifying the children that they were under arrest, the officers had Mirandized and interrogated the juveniles. Upon completion of the interrogations, the two officers held the juveniles incognito under police detention in a conference room for at least 15 minutes while they conferred about what to charge them with, while they telephoned a Probation Officer to determine where the juveniles should be transported. The officers then officially notified the children they were under arrest and subject to transport. The officers failed to provide the children with access to a telephone for a minimum of 45-60 minutes after notifying them of their arrest and pending transport to the Juvenile Justice Center (JJC).

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**SUMMARY OF ALLEGATIONS #3-4** (continued): The officers failed to comply with Department General Order (DGO) 7.01 during their investigation and arrest of four juveniles.

3.) The complainants stated the officers failed to provide the juveniles with a snack or lunch during the course of their detention and arrest at their school. School begins at 9:10 am. The officers conducted their interrogations through both school lunch periods. The officers did not provide the children with an opportunity to eat, nor did they ask the children if they had eaten lunch. The officers stated the interrogations occurred during the lunch hour. They denied the allegation. One officer stated it was not her job to oversee whether the children had eaten, directly contra to the DGO. Two of the juveniles told the Office of Citizen Complaints that they did not eat lunch. One juvenile stated he asked to eat lunch and was told he could not leave to eat. He said he never ate until the dinner service provided by the Juvenile Justice Center. 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 ALLEGATIONS #5-6:** The officers made inappropriate comments and acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainants alleged that officers detaining their children in a conference room made disparaging remarks about their children's future high school prospects. The complainant and one of the co-complainant's children play competitive football and shared common goals regarding academic high school placement. The officers denied making any inappropriate remarks to the juveniles, including any disparaging remarks about the juveniles' academic prospects. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

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

**SUMMARY OF OCC ADDED ALLEGATION #3:** The officer wrote an inaccurate and incomplete report.

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

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

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

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

**FINDINGS OF FACT:** The complainant said he told the officers in his first contact with them that he would not give them a statement in relation to his suspected involvement in a homicide. The complainant said he was detained beyond necessity during six subsequent contacts with police in a three months span, because of a 10-43 notification placed on his identity in the police identification system by homicide inspectors. One San Francisco Police Department Academy trainer on the subject of information systems stated there is no clear policy with regard to 10-43 notifications or advisements and recruits are not trained to go to a supervisor when either a homicide inspector or the Operations Center delays providing the detaining officer with prompt directives on what to do with the subject. Another trainer on the subject matter stated that he covers 10-29 person queries in an eight hours training segment without a learning domain, but since there is no CABLE discussion, his training is not relevant to what an officer should know when he/she detains a subject further based on a homicide notification from the CABLE system. Therefore, the Office of Citizen Complaints recognizes a policy failure, and recommends appropriate action be taken to augment learning domain #36 (Information Systems) and any future training relevant to Level II Switch to include scenarios with person queries showing homicide or inspector's bureau notifications from the CABLE system to prevent unnecessary defacto arrests or prolonged detentions.

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

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

**FINDINGS OF FACT:** The complainant said one officer detained him and one of two officers from the back up unit unnecessarily pushed him against a wall during the detention prior to his transport to Mission Station. The detaining officer and one back up officer denied the allegation; whereas, the other back up officer could not recall the incident to either admit or deny the allegation. There were no other witnesses to either prove or disprove the allegation. There is insufficient evidence to name a particular officer or to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #4:** The officer used excessive force at the scene.

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

**FINDINGS OF FACT:** The officer is no longer available for questioning. He is no longer a sworn member of the San Francisco Police Department.

**SUMMARY OF ALLEGATION #5:** The officer detained/arrested the complainant on June 3, 2008 without cause.

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

**FINDINGS OF FACT:** The preponderance of the evidence established that the officer lacked probable cause to detain further, handcuff, transport, and hold the complainant with handcuffs affixed to Mission Station's holding bench for an undetermined amount of time (approximately over an hour) without articulable facts or probable cause.

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**SUMMARY OF ALLEGATION #6:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation and stated their actions and statement of probable cause in support of the search warrant were truthful. Office of Citizen Complaints attempts to locate other witnesses were not successful. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant said his detention and transport to a station prior to the service of a search warrant against his person and his residence constituted a defacto arrest. The complainant was driving a vehicle without license plates while his driver's license was suspended. The preponderance of the evidence established the officer had probable cause under 14601.1 V.C. to either cite or book the complainant for a misdemeanor, driving with knowledge of his suspended or revoked driver's license, even before the narcotics and assault weapon were found in his residence.

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

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

**FINDINGS OF FACT:** The complainant was listed on a search warrant pending service upon his residence when he was detained shortly after driving away from his residence on suspended license and a vehicle without license plates. The officer said the handcuffing of the complainant was authorized by the search warrant regardless of where he was located. The preponderance of the evidence established that the officer had justification to handcuff the complainant. The officer's actions were lawful and proper.

**SUMMARY OF ALLEGATION #9:** The officer towed the complainant's vehicle without justification.

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

**FINDINGS OF FACT:** The preponderance of the evidence established the complainant was driving a vehicle without license plates and with knowledge that his driver's license was suspended or revoked in violation of 14601.1 V.C. The officer was required to tow the vehicle under current San Francisco Police Department policy (STOP Program) and had cause to tow it under state law. The officer's actions were lawful and proper.



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**SUMMARY OF ALLEGATION #10:** The officer failed to write an accurate and complete report.

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

**FINDINGS OF FACT:** The preponderance of the evidence established the officer had knowledge of and inaccurately reported the age of a juvenile in his incident report. The evidence further established the officer failed to document in his report the reason why the complainant's vehicle was towed. The officer's report was inaccurate and incomplete.

**SUMMARY OF ALLEGATION #11:** The behavior and comments of the officer were inappropriate.

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

**FINDINGS OF FACT:** The complainant alleged the officer made several inappropriate remarks about him to others. There was insufficient evidence to either prove or disprove that the named officer tampered with witnesses in his criminal proceedings or had inappropriate contacts with or released privileged and protected information to any of his ex-girlfriends or that he committed perjury during two preliminary hearings. Police records deny the officer inappropriately released the complainant's keys or cellular telephones to unauthorized parties.

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**SUMMARY OF ALLEGATION #12-13:** The officers failed to follow proper procedures as detailed in DGO 7.01.

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

**FINDINGS OF FACT:** The complainant stated the officers took a taped statement from a juvenile without consent from the juvenile's parents or legal guardian. Both officers admitted knowing at the time of the juvenile's tape-recorded interview that she was under age, but denied her interview was a custodial interrogation. The preponderance of the evidence established the juvenile was not free to leave and was interrogated without regard to proper procedures about juveniles set forth in Department General Order 7.01.

**SUMMARY OF ALLEGATION #14:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant alleged the officer failed to properly investigate by conducting a thorough and complete investigation on July 28, 2008 regarding the use of the bedrooms in relation to the narcotics found in the second bedroom, where his indicia was located. The preponderance of the evidence established the officer took reasonable steps to initiate an investigation surrounding the three parties linked to the residence and the narcotics, weapon, contraband, and indicia found therein. The officer's actions at this juncture of the investigation were lawful and appropriate under the circumstances.

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer said he asked to see the complainant's identification because he had threatened him. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer failed to abide by the law in restraining his dog while walking in a federal park.

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

**FINDINGS OF FACT:** The complainant and his wife said the officer was walking his dog without a leash in an area where signs were posted prohibiting such behavior. The officer denied that his dog did not have a leash. The officer said his dog had a leash but he had let go of the leash when they walked up a big hill. The officer violated CFR 36, Chapter 1, Part 2, Section 2.15 pets, subsection (a) (2), a federal pet restraint regulation, when he let go of his dog's leash. The officer's conduct in not abiding by this law reflects discredit on the Department thereby violating DGO 2.01 Rule 9. Misconduct.

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

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

**FINDINGS OF FACT:** The complainant stated that the officers singled him out from the crowd and detained him for no reason. The named members stated that they detained the complainant for being drunk in public. According to the complainant, two of his friends were present at the scene during the incident, but they did not respond to the OCC's requests for an interview. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4-6:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that he was arrested and cited without any legitimate reason. The named members stated that the complainant was taken into custody and cited for being drunk in public, having an open alcoholic container and resisting arrest. According to the complainant, two of his friends were present at the scene during the incident. However, these individuals did not respond to the OCC's requests for an interview. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #7-9:** The officers used unnecessary force against the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officers used force, which caused his tooth cap to fall off. The named members denied using any unnecessary force during the incident but acknowledged that a piece of material consistent with being a tooth cap was found at the scene. The complainant's statement regarding the occurrence was unclear. He claimed that two of his friends witnessed his arrest, but these individuals did not respond to the OCC's requests for an interview. No other witnesses came forward. 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 used unnecessary force during the complainant's detention.

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

**FINDINGS OF FACT:** The complainant alleged that the officers used unnecessary force during his detention. The officers denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3:** The officer placed the complainant in tight handcuffs.

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

**FINDINGS OF FACT:** The complainant alleged that he was placed in tight handcuffs during his arrest. The officers questioned regarding this allegation could not recall who placed the complainant in handcuffs. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1-3:** The officer used unnecessary force during the detention of the complainant.

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

**FINDINGS OF FACT:** Plain-clothes officers saw the complainant damage private property and attempted to stop the complainant. The complainant, who had been drinking a few beers, ignored the officers' commands. The complainant alleged he did not know these officers were police officers, and viewed these men as troublemakers looking for a fight. The officers said they had to use force to subdue and handcuff the non-compliant complainant. The complainant alleged the officers injured him when they repeatedly struck him in the face and head with their fists, slammed his head against the ground and choked him. The officers denied these actions and said they used legal takedown techniques taught in the police academy. A witness-associate of the complainant also said he did not see the officers use excessive force against the complainant. The witness also stated that he did not see the entire physical contact between the officers and the complainant. There is insufficient evidence to either prove or disprove allegations.

**SUMMARY OF ALLEGATION #4-6:** The officer failed to properly identify himself.

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

**FINDINGS OF FACT:** Plain-clothes officers attempted to stop the complainant after seeing him damage private property. The complainant, who had been drinking a few beers, ignored the officers' commands. The complainant and an associate-witness said they did not initially know these officers, who were in an unmarked police cruiser, were police officers because the officers did not verbally identify themselves. The complainant viewed these men as troublemakers looking for a fight. The officers said they verbally identified themselves, had their badges prominently displayed, and were riding in a Ford Crown Victoria, the same make and model of marked police cruisers commonly used throughout the United States. During the struggle by which the complainant was subdued and handcuffed, the complainant admitted seeing a badge dangling on a chain around the neck of one of the officers and realized the men were police officers. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.



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**SUMMARY OF ALLEGATION #7:** The officer wrote an inaccurate citation.

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

**FINDINGS OF FACT:** The officer cited the complainant for non-traffic misdemeanor violations and wrote a court date on the citation that does not exist. The complainant became confused and distressed about when to appear. The complainant indicated he did not want to suffer the consequences associated with a failure to appear, but did not know how to handle the problem. The officer said he (the officer) made an inadvertent mistake in writing the court date, and did not realize the discrepancy until several months later. The officer did not make any effort to correct the mistake. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 12/30/08 **DATE OF COMPLETION:** 09/21/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that when speaking with her and her friends at a district police station the officer made several comments, which the complainant felt were inappropriate. The named member denied making some of the alleged comments and acknowledged making others, for which she offered a reasonable and factually based explanation. One of the complainant's friends, who were present at the time of this incident, did not respond to the multiple Office of Citizen Complaint's requests for an interview. The statement from the second friend was inconclusive and lacked the necessary cross-corroboration with the complainant's allegation. A police service aide, who observed the officer's interaction with the complainant and her friends from behind the station counter, stated that he did not hear what was said during that conversation because of the station lobby acoustics. The available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer transferred the complainant's daughter into the custody of Child Protective Services without justification.

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

**FINDINGS OF FACT:** The complainant stated that her eight-year old daughter went missing and she reported the matter to the police. When the child was located several hours later, she was transferred into the custody of the Child Protective Services, although, according to the complainant, the police officer had no authority to make such decision. The named member gave the Office of Citizen Complaints a reasonable explanation for her decision and stated that she "would have been remiss in her duties" if she did not transfer the child to the Child Protective Services for evaluation. The available evidence, i.e. related San Francisco Police Department documents and statements, showed that acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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**SUMMARY OF ALLEGATION #3:** Information Only 1.

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

**FINDINGS OF FACT:** The issues raised by the complaint were beyond the scope of the OCC's jurisdiction and they were referred for further investigation to:

Management Control Division  
San Francisco Police Department  
850 Bryant Street, Rm. #545  
San Francisco, CA 94103

**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:** NS **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant alleged that the officer failed to take required action. The complainant said the officer failed to accept his citizen's arrest and to press charges against the person who assaulted him. The complainant further said the officer did not allow him to talk to his senior officer. The officer denied the allegation. No witnesses came forward. The 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 ALLEGATION #1:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that when she asked the officer why his colleagues were humiliating and demeaning her, the officer said that he could not help her because he did not witness any of the events leading up to her detention. The officer's response was reasonable and appropriate given that he was merely responding as a back-up officer. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainants alleged that the officer who took their OCC complaint made numerous errors and misrepresentations as to what they discussed with the officer. The complainants, however, could not specifically identify the alleged errors or provide evidence of any misrepresentations. The evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer had no reason to detain her. The officer denied the allegation. The officer stated that he believed the complainant could be a danger to herself or others and needed to be medically evaluated.

Five independent witnesses and two witness officers stated the complainant's behavior was out of the ordinary. The witnesses stated that the officer made repeated attempts to de-escalate the situation but was unsuccessful. The witnesses stated the complainant was yelling at the officers and security personnel. It was determined the complainant presented a security and safety risk to herself and other passengers due to her behavior.

The evidence proved that the act which provided the basis for the allegation, occurred; however, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #4-5:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #6-7:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The complainant alleged that the officers grabbed her by her right arm and handcuffed her during the detention. The officers denied that they grabbed her arm but acknowledged she was placed in handcuffs. A witness stated that while the officers were escorting the complainant away from the screening area the complainant moved toward her and pointed her finger at her and she felt threatened. The complainant was then handcuffed and taken to a secure area to await medical assistance. The officers' use of force in handcuffing the complainant was warranted under the circumstances. The officers' actions were reasonable, appropriate and within Departmental policy. The evidence proved that the act which provided the basis for the allegation, occurred; however, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant said she blamed the officer for her arrest. The complainant admitted that she entered and occupied the building on multiple dates. The officer stated he is the code enforcement officer at his district station. The officer said he responded to the building to investigate a report of trespassers at the building, which was red tagged and ordered vacated by the Department of Building Inspections (DBI) through a September 2, 2008 emergency order. Department Records show that the complainant had been admonished and advised on January 2, 2008 and January 2, 2009 not to enter or occupy the building. The evidence showed that the complainant had knowledge that the building should not be entered or occupied for safety reasons but still entered and occupied the building on multiple occasions. Furthermore the evidence showed that the officer acted within his jurisdiction as the code enforcement officer when he facilitated the arrest of the complainant in compliance with the emergency order and for the overall safety of the building and the neighborhood. The evidence proved that the act alleged did occur; however the said act was proper and justified.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATION 1:** The officer cited the complainant without cause on two occasions.

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

**FINDINGS OF FACT:**

First incident: The complainant was driving a limousine when he was cited. The officer was assigned to Taxi/Limousine detail and issued two citations for violations of the California Vehicle Code and Municipal Police Code. The officer stated he observed the complainant fail to stop at the limit line and make a right turn against a red light. A sign was posted prohibiting right turns on a red light. Subsequent to the vehicle stop the officer determined the complainant was driving out of class and did not possess a valid commercial license and required medical endorsement as required by law. Another officer who was in the vehicle observed the complainant make a right turn against the red light. The complainant acknowledged he turned right but said he stopped first. The complainant admitted he did not have a way bill as required by local ordinance and that his medical clearance had expired which is in violation of the vehicle code. No other witnesses came forward.

Second incident: The officer issued a citation to the complainant because his limousine was parked in a bus zone in violation of the California Vehicle Code. The complainant admitted he parked his limousine in the bus zone because he was waiting to pick up a friend. Another officer who was also in the police vehicle observed the complainant parked in the bus zone. 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 2:** The officer towed complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer ordered his limousine towed without cause. The complainant asserted that once the officer ordered the passengers out of his limousine, the complainant should have been permitted to drive the limousine from the scene. The officer stated he was ordered by his Lieutenant to tow limousines when the driver is operating the limousine "out of class" due to the high danger to the public of driver's not having a valid commercial license with the proper medical endorsement. The officer gave the complainant the opportunity to get another licensed driver to drive the limousine. The complainant admitted that he contacted several drivers who came to the scene but none of them possessed a valid "Class B" license. The officer then ordered the limousine be towed under authority of the California Vehicle Code and the San Francisco Traffic Code. No independent witnesses came forward during the 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 officer displayed a rude attitude and demeanor toward the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officer asked him out of the vehicle and that the officer questioned him about the passengers in the vehicle in a very aggressive and overly rude fashion. The officer denied the allegation. The witness officer corroborated the officer's statement. One witness stated the officer's demeanor was "very fine...totally business-like." Another witness stated she felt the officer was abrupt and rude to the limo driver. This witness said she was annoyed with the officers because she was inconvenienced by the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION 4:** The officer displayed inappropriate behavior, made inappropriate comments and threatened the complainant and passengers.

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

**FINDINGS OF FACT:** The complainant stated the officer threatened to arrest him for interfering with the investigation and threatened the passengers. The officer acknowledged he threatened to arrest the complainant because the complainant was interfering with the investigation. The officer denied threatening the passengers. The witness officer corroborated the officer's statement. A witness also corroborated the officer's statement. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The named officer affected a traffic stop for a red light violation. The officer admitted to not making the required E585 data entry. The officer stated that at the time this contact occurred, he had been advised by his supervisor that he was not required to make the E585 entry due to the specialty of his assignment. The officer stated that on a date after this contact, the same supervisor apprised him that all officers are now required to make E585 data entry regardless of their assignments. The officer stated that after his supervisor advised him of the requirement to make the E585 entries, he has complied. The OCC corroborated that the officer had been trained in the manner he stated. The evidence proved that the action complained of was the result of inadequate or inappropriate training, or an absence of training when viewed in light of departmental policy and procedures.

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

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

**FINDINGS OF FACT:** The complainant stated he rode his bicycle lawfully and the officers had no justified reason to detain him. The officers stated the complainant rode his bicycle in the opposite way of traffic nearly causing a head on collision with their patrol vehicle in violation of Section 21650.1 of the California Vehicle Code. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer pat searched him as soon as he walked down to the sidewalk. Both officers denied the allegation. There were no 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 #4:** The officer's behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant stated the officer accused him of riding his bicycle on the sidewalk, of lying to her, and nearly hitting their patrol vehicle. The complainant said the officer also made reference to a cost of two weeks off her job had there been a traffic collision. The officer and her partner denied the allegation, and stated the officer explained to the complainant the importance of obeying the traffic laws because if there had been a collision his negligence would not only have affected him but her as well. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5** The officer cited the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he rode his bicycle lawfully across a crosswalk and the officers had no reason to cite him. The officers stated the complainant rode his bicycle in the opposite direction of traffic nearly causing a head on collision with their patrol vehicle in violation of Section 21650.1 of the California Vehicle Code. There were no 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 #6:** The officer threatened the complainant.

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

**FINDINGS OF FACT:** The complainant stated he questioned the officer regarding why he was detained and said that he would like to leave if he had done nothing wrong. The complainant also said the officer told him he could not leave, was under arrest, and would handcuff him if he acted disorderly. The officer denied telling the complainant he was under arrest, but told him that if he continued to walk away from her and continued to place his hands in his pockets, that she would handcuff him for everyone's safety. The officer also stated the complainant was uncooperative and sarcastic throughout the citation process. The officer's partner did not hear their conversation, and there were no other witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer told him it would be best if he would shut up. The officer denied the allegation, and her partner could neither verify nor deny the allegation as she was inside the patrol vehicle at the time. There were no 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 #1-2:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The officers denied the allegation. The witness did not observe this part of the incident. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #3-4:** The officers used force at the scene.

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

**FINDINGS OF FACT:** The officers denied the allegation. The witness said the complainant was not physically resisting only verbally protesting as to why he was handcuffed while he was placed in the patrol car. The witness said the officers used physical force with their hands to place the complainant into the car, which he would describe as not normal, but aggressive. There is insufficient evidence to reach a definitive finding as to whether or not the degree of force employed was considered unnecessary or excessive.

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

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

**FINDINGS OF FACT:** The officers denied the allegation. The witness did not observe this part of the incident. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #7-8:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The officers denied the allegation. The witness corroborated that the passengers wanted to pay but the complainant, a cab driver, did not accept credit cards. At the time of this incident there were no written rules for what forms of payment are or not acceptable. The officers did not have a reason to cite the passengers because they were not evading the fare per all parties at the scene; just the method of payment was in dispute. Per DGO 2.01 Rule 5. Performing duties, the officers took the action necessary to resolve the dispute with the facts they had at the time and abated the dispute.