

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/07/05 **DATE OF COMPLETION:** 11/27/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer and his partner denied the allegation, and the complainant failed to provide essential information to further the investigation. There were no witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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DATE OF COMPLAINT: 10/14/05 **DATE OF COMPLETION:** 11/25/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide a name and star number upon request.

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

FINDINGS OF FACT: The complainant stated the officer did not provide his name and star number upon request. The officer stated he did provide his name and star number when the complainant requested. The witness stated he did not recall if the officer provided his name and star number. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer's behavior was rude and threatening and aggravated the situation. The officer stated the complainant did not pay her cab fare, and attempted to walk away. The officer said the complainant was hostile and uncooperative. The witness stated the officer was calm and professional, and the complainant was rude. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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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DATE OF COMPLAINT: 10/26/05 **DATE OF COMPLETION:** 11/06/05 **PAGE#** 1 **of** 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

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

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

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

Commander Sylvia Harper
Parking & Traffic Division
1380 Howard Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/16/04 **DATE OF COMPLETION:** 10/26/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-3: The officers entered into the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered her apartment with a key without consent and without a search warrant. The officers stated that the complainant did not give them consent to search her residence so they were going to seek a search warrant but before leaving the scene they entered the apartment with a key to do a protective sweep. He said that this was an exigency since the complainant told them no one was inside the residence and then some one exited from the residence. The officers stated the basis for making entry to do a Protective Sweep was to freeze the scene and prevent someone if someone was inside to hide or destroy the evidence. The officers violated DGO 5.16 because they had time to get the search warrant first prior to entering the residence with a key without consent, a warrant, or exigency not created by the officers.

SUMMARY OF ALLEGATION # 1: The officer failed to properly process the search warrant.

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

FINDINGS OF FACT: The OCC investigation revealed that the search warrant was not on file with the Superior Court. The officer was informed that the Superior Court had no record of his search warrant.. The officer said he only had the blank copy and said he did not make a copy of the certified search warrant and that he was not required to make a copy after the judge signs it. It is more likely than not that officer failed to have the return and inventory signed by the judge and failed to file it with the court thereby violating DGO 5.16 Section II, G. which states: G. Upon obtaining a search warrant, the affiant-officer shall be personally responsible for: 1. Registration of the search warrant with the clerk of the court on the next court business day after service, but never more than ten days (excluding weekends and holidays) after issuance of the search warrant. Only unusual circumstances would justify delay in registration; 2. Delivery of certified copies of the affidavit and application to the assigned Inspector and the appropriate section of the District Attorney's Office by the next business day; 3. Delivery of the return and inventory of the warrant to the issuing magistrate on the next court business day after service and to the assigned Inspector and D.A. prosecution section on the next business day after service.

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

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

FINDINGS OF FACT: The OCC investigation revealed that the Sergeant authorized entry into the complainant's residence. The sergeant stated he did authorize entry into the residence so that the officers could conduct a protective sweep. The sergeant said he believed the officers had exigent circumstance to do the protective sweep. There was sufficient time to obtain a search warrant and there is no provision in the law for a protective sweep if the officers are not already lawfully within a place where they have a right to be. As such, the authorization for the entry was not justified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: Unnecessary Force for force used against the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

Lieutenant Douglas L. Carr
Management Control Division
850 Bryant Street, Room #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 officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: Officers known to be at the incident denied making or hearing inappropriate comments or behaving inappropriately. There were no independent witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The complainant was detained without justification.

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

FINDINGS OF FACT: The officer in charge at the incident denied that the complainant had been detained. He stated that she was free to leave, but not free to enter a house being searched as a result of a court-ordered search warrant. The complainant acknowledged she was not handcuffed or moved from the area or prevented from leaving. The contact did not constitute a detention, and the officers' actions were proper.

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SUMMARY OF ALLEGATION #4-6: The officers damaged the complainant's property during a search.

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

FINDINGS OF FACT: The complainant stated that the officers that entered her residence when she was not at home damaged the entry door and also a chest of drawers. The officers known to be present acknowledged that the entry door was damaged and denied knowledge of any damage to a chest of drawers. There were no independent witnesses or evidence of damage to the chest of drawers. The damage to the entry was properly documented by the officers and reported as required. There was insufficient evidence to prove or disprove the allegation in its totality.

SUMMARY OF ALLEGATION #7-9: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The investigation established that the officers entered the complainant's residence as a result of a court-ordered search warrant and that the areas they searched were authorized by the warrant. Their actions were therefore proper though the warrant did not specifically name the complainant.

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SUMMARY OF OCC-ADDED ALLEGATIONS #1-3: The officers failed to issue complainant a Certificate of Release.

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

FINDINGS OF FACT: The complainant acknowledged that she was not handcuffed or moved from the area. The officers stated that the complainant was prevented from entering the residence they were searching, but was free to leave at all times, and was never detained. A preponderance of the evidence established that the conditions that would have warranted the issuance of a Certificate of Release were not present. The officers' actions, therefore, were proper.

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

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

FINDINGS OF FACT: The investigation established that the officer did include in his Incident Report mention of damage reported during a search of the residence, and that he did report the damage in a memorandum to the Department as required. There was insufficient evidence to prove or disprove, however, the complainant's claim that a chest of drawers inside her residence was damaged. It is not known whether she informed officers at the scene or whether the reporting officer was told by them, of any such damage.

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

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

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

Agent in Charge
California Department of Corrections
Parole Unit #1
1727 Mission Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/29/04 **DATE OF COMPLETION:** 11/16/05 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: SFPD regulations direct that members not assist the federal immigration agency with enforcement of immigration laws if the subject is not being booked for certain controlled substance violations or felonies and has no record of felony convictions. The investigation established that the complainant was arrested by SFPD based on an Immigration “want” only and that the exceptions to the directive against the action did not apply. The investigation also established that there was no outstanding warrant issued by any court but only an Immigration request for assistance. A preponderance of the evidence, including the officer’s own testimony, established that the complainant’s arrest was without cause, and the allegation is sustained.

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

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

FINDINGS OF FACT: The complainant stated that she came to the police station for help because of harassing phone calls she was receiving from a person against whom she had obtained a civil harassment order. She was arrested at the station on an unrelated matter and did not believe action was taken on her initial complaint. The investigation established that the officer assisting the complainant did, in fact, make a written report of the complainant’s harassment and did what was required under the circumstances.

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SUMMARY OF ALLEGATION #3: The officer failed to comply with SFPD policy regarding the enforcement of immigration laws.

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

FINDINGS OF FACT: The investigation established that the officer directed that the complainant be arrested in violation of the San Francisco Administrative "City of Refuge" Code provisions and SFPD General Orders prohibiting cooperation with the federal immigration agency's enforcement actions unless the individual were being booked for certain criminal activities or had a history of certain criminal convictions. Since the investigation determined that the criminal exceptions did not apply and that there was no court-ordered warrant outstanding, the officer, by arresting the complainant, was not in compliance with Department regulations, and the allegation is therefore sustained.

SUMMARY OF ALLEGATION #4: The officer made inappropriate remarks and used language meant to belittle the complainant.

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

FINDINGS OF FACT: The complainant stated that an officer at the police station where she was being held prior to being moved to county jail, made two inappropriate and insulting comments. None of the officers known to be in the station at the time said that they made the comments or heard them being made. There were no independent witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer towed and impounded the complainant's vehicle without justification.

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

FINDINGS OF FACT: The evidence established that the complainant's car was ordered towed and held by the named officer in connection with her arrest. Since the arrest was found by a preponderance of the evidence to have been without cause and therefore improper, the towing of the complainant's car was also improper, and the allegation is therefore sustained.

SUMMARY OF ALLEGATION #6: The officer failed to administer the Miranda advisement.

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

FINDINGS OF FACT: The complainant stated that a number of officers asked her questions when she was brought into the station. She was unable to recall specifically who asked and what was asked although she remembered generally that they contained language connected to her arrest. None of the officers known to have been in the station indicated that they had questioned the complainant about the immigration violation for which she was being held or had heard anyone questioning her. There were no independent witnesses. The content of any officer's conversation with the complainant inside the station was not established, and there was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer misused SFPD computer.

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

FINDINGS OF FACT: The investigation established that the officer made a computer inquiry, using the usual format, in an attempt to locate a restraining order in an attempt to assist the complainant with the problem that had brought her to the station. The federal advisement that was received in response to the officer's routine query was not something he had intentionally invoked and was not a violation of his authority or an improper use of the police computer system.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged he was arrested without cause following a heated verbal confrontation with another person at a sporting event. The officer denied arresting the complainant without cause, stating that the complainant took a fighting stance with regard to the complaining witness. The Office of Citizen Complaints attempted to contact both the complaining witness as well as the complainant's witnesses who attended the sporting event. The calls were not returned. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate and incomplete incident report.

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

FINDINGS OF FACT: The complainant denied taking a fighting stance with the complaining witness, as described in the officer's incident report. He denied resisting the officers as they took him into custody and denied being ordered to leave a particular location by members of the San Francisco Police Department. He claimed he did not have an opportunity to contact his mother from the police station by telephone, contrary to what was stated in the incident report and so stated in front of his mother. The Office of Citizen Complaints attempted to contact the witnesses, whose names were provided to it by the complainant. All but one did not return telephone calls placed to them. The one witness who did respond stated he did not recall the exact sequence of events. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #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 that the officers lost his jacket during the course of his police contact. On the date of the incident complained of, the complainant wore a black quilted jacket. He stated that the jacket was pulled off of him as he was taken into custody by police officers when he attending a sporting event. The Office of Citizen Complaints was unable to identify all of the officers who removed the complainant's property from his person. The Office of Citizen Complaints attempted to contact the witnesses, whose names were provided to it by the complainant. All but one did not return telephone calls placed to them. The one witness who did respond stated he did not recall the exact sequence of events. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #5-6: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that members of the San Francisco Police Force grabbed him and threw him on the ground with excessive force. Several officers, including one named officer, denied using unnecessary force. The named officer filled out the local police station's Use of Force log, stating that many officers, including him, utilized academy approved physical control holds on the complainant. However, there were many officers at the scene and the officers questioned by the Office of Citizen Complaints were unclear as to exactly which officers actually used control holds on the complainant. The Office of Citizen Complaints attempted to contact the witnesses, whose names were provided to it by the complainant. The witness who returned Office of Citizen Complaints call was not at the scene of the complainant's arrest. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #7: The officer used unnecessary force after the complainant was in custody.

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

FINDINGS OF FACT: The complainant stated that the officer raised his arms to a painfully high level after he was handcuffed and his arms were behind his back. The Office of Citizen Complaints was unable to determine through its investigation which officer was responsible for this use of force. The Office of Citizen Complaints attempted to contact the witnesses, whose names were provided to it by the complainant. All but one failed to return telephone calls placed to them. The one witness who did respond was not at the scene of the arrest. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant stated that the officer placing him into handcuffs did so too tightly. The Office of Citizen Complaints was unable to determine through its investigation which officer was responsible for this alleged use of force. The Office of Citizen Complaints attempted to contact the witnesses, whose names were provided to it by the complainant. All but one failed to return telephone calls placed to them. The one witness who did respond was not at the scene of the arrest. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #9: The officer failed to comply with the Department General Order 7.01. The complainant was a juvenile.

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

FINDINGS OF FACT: The complainant, a juvenile, alleged that his mother was not contacted as noted in the officer's incident report. The Office of Citizen Complaints contacted the witness, as provided by the complainant and his mother during the Office of Citizen Complaints interview in which both were present. The witness could not recall the exact sequence of events, only that the complainant needed his assistance. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #8: The officer failed to loosen the complainant's tight handcuffs.

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

FINDINGS OF FACT: The complainant, a juvenile, alleged that he complained of pain that to a female officer driving a patrol wagon. The Office of Citizen Complaints attempted to contact the witnesses who were with the complainant inside the wagon at the time of the incident. The witnesses did not return the Office of Citizen Complaints phone calls. The Office of Citizen Complaints was unable to identify the officer driving the wagon for San Francisco Police Department on the date in question. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION # 1: The officer operated his vehicle in an unsafe fashion.

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

FINDINGS OF FACT: The complainant stated he was on Clement and 15th Avenue approaching 14th Avenue when the officer in a van suddenly came across in front of his vehicle as he approached 14th street. The complainant said he had to rapidly decelerate by using his brakes to avoid hitting the back of the van. The complainant said he honked his horn and flipped off the officer. He saw the officer start to back up to pull up beside his car in the middle of the street with no emergency lights. The officer denied the allegation. The officer also submitted two witness statements corroborating his version. The witness contact information provided was not good and there are no other witnesses. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION # 2: The officer failed to comply with Departmental orders, practices, and policies regarding traffic stops.

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

FINDINGS OF FACT: The complainant stated that the van the officer was operating was not marked, had no emergency lights. The complainant said when the officer pulled up beside him in the middle of the street he was endangering the passengers in his van. The complainant said the officer parked the van in a legal spot and exited the van to contact him. The officer denied the allegation. The witness contact information provided was not good and there are no other witnesses. There is insufficient evidence to prove or disprove the allegation. Also, Department General Order 9.03 is for Non-uniformed Officers, not unmarked vehicles.

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

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

FINDINGS OF FACT: The complainant stated the officer ordered him to park his car and to hand him his driver's license. The complainant said the officer then proceeded to tell him that he was speeding and challenging him to a fight by flipping him off. The complainant said after the officer yelled at him he handed him back his driver's license and told him he was free to go and left. The officer stated he did detain the complainant because he was speeding. He denied conducting a traffic stop because he did not have the appropriate vehicle to conduct one. The officer said he wanted to advise the complainant about his actions and then told him he was free to go. The witness contact information provided was not good and there are no other witnesses. There is insufficient evidence to prove or disprove the allegation .

SUMMARY OF ALLEGATION #4: The officer made threatening and inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant said that the officer basically told him that people around here drive carefully and they don't flip people off and they drive 25 mph and that is the speed limit. He then told him he was challenging him to a fight per PC 415 when he flipped him off which was against the law. The officer stated he advised the complainant on his violations of speeding and in violation of penal code 415. The witness contact information provided was not good and there are no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer's manner in speaking with the complainant was rude.

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

FINDINGS OF FACT: The complainant said that the officer began to yell at him to the point of feeling threatened. The officer admitted that he did yell at the complainant and then rephrased that he raised his voice at the complainant because the complainant did not let him get a word in edge wise and was yelling and screaming at him the whole time. The officer said he had to raise his voice to tell the complainant to let him talk because he wanted to advise him. The complainant submitted a recording of the conversation, which reveals that the officer was yelling. The recording reveals that the officer was able to speak to the complainant until the complainant asks the officer how fast he was going and if the officer was sure of the speed and at that point the officer yelled and continues until the end of the conversation. The officer violated DGO 2.01 Rule 14. Public Courtesy.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle.

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

FINDINGS OF FACT: The officer is no longer available and therefore, not subject to Departmental discipline.

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

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

FINDINGS OF FACT: The officer is no longer available and therefore, not subject to Departmental discipline.

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

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

FINDINGS OF FACT: The officer is no longer available and therefore, not subject to Departmental discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer spoke to the complainant in an inappropriate manner.

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

FINDINGS OF FACT: The complainant did not see the officer she alleged to have spoken inappropriately to her. No officer acknowledged making or hearing any inappropriate remarks. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made threatening remarks to the complainant.

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

FINDINGS OF FACT: The complainant did not see the officer she alleged to have made a threatening remark. No witness to the remark was found. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officers used profane language in the presence of the complainant.

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

FINDINGS OF FACT: The complainant could not identify officers she said used profane language. The officers denied using or hearing profanity. There were no independent witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officers made sexually derogatory comments to the complainant.

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

FINDINGS OF FACT: The complainant stated that an officer she identified and others she did not see used a sexually derogatory comment to and about her. The officers denied using the term or hearing it used. There were no independent witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-9: The officers arrested and handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officers arrested the complainant because she poured bleach on officers attempting to arrest another individual in her yard. The complainant, while denying she knew they were officers, acknowledged that she poured bleach on persons in her backyard, an activity that constituted a violation of the law and justified her arrest. It is proper procedure to handcuff an arrestee for officer safety, and under the circumstances, it was justifiable on its face.

SUMMARY OF ALLEGATION #10: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that an unidentified officer kicked a door at her residence. She implied the door was damaged. The officers known to be in her house denied doing or seeing any damage. There were no independent witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11-14: The officers used unnecessary force against the person of the complainant during the arrest.

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

FINDINGS OF FACT: The complainant stated that officers beat her when they entered her residence to arrest her, even though she was not resisting. The officers described the force that they used and documented and stated the complainant would not put down a bottle of bleach she had previously poured on various officers. They stated that in the process of getting the bottle away from her, restraining and handcuffing her, force was required and used. Medical records indicate that the complainant received injuries which may have resulted from the force used. There were no independent witnesses to the arrest. There was insufficient evidence to prove or disprove that the force used was caused by complainant's behavior or of a degree appropriate to the cause.

SUMMARY OF ALLEGATION #15: The officer improperly deployed pepper spray against the person of the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer sprayed her with pepper spray during her arrest even though she was not exhibiting any resistance. The officer stated that the complainant had assaulted officers with bleach, that she refused to put down the bottle, that she kicked and struck officers, and that his use of pepper spray was required to restrain her for their safety after verbal commands and other, lesser attempts had failed.

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SUMMARY OF ALLEGATION #16-19: The officer(s) entered the complainant's residence without warrant or permission.

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

FINDINGS OF FACT: The complainant stated that the officers entered her residence without justification. The officers stated that the complainant was armed with a caustic chemical and had just poured it on several officers. They stated they did not require a warrant or consent to enter to arrest an individual in the act of committing a felony and stated the circumstances were exigent. The complainant acknowledged that she had thrown the chemical on individuals in her backyard, although she said she did not know they were police officers. Under the circumstances, the officers were justified in entering the complainant's residence.

SUMMARY OF ALLEGATION #20: The officers displayed weapons without justification.

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

FINDINGS OF FACT: The complainant stated that officers who entered her residence had their weapons drawn and pointed at her. The officers did not recall if they had their service revolvers displayed or not. The complainant acknowledged that she had poured a caustic chemical on people in her backyard. Under the circumstances, the officers would have been justified in entering her residence with their weapons drawn and their action would have been proper and in keeping with their training in officer safety.

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SUMMARY OF OCC-ADDED ALLEGATION #1: The officer(s) failed to document damage to the property.

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

FINDINGS OF FACT: The reporting officer stated he did not document property damage because he saw none and none was reported to him. Officers known to be inside the residence stated they saw no property damage and therefore reported none. There were no independent witnesses or other proof of damage. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer made certain inappropriate comments to him and to a friend. The friend failed to come forward to corroborate the allegation. The officer denied making the remarks in the context related by complainant or behaving inappropriately. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the officer ordered him and other individuals to move although they were not blocking the sidewalk. The complainant acknowledged that there were a lot of people around and that the area was crowded because bars had just let out. The complainant further stated he was greeting a number of friends at the time. The officer stated that it was his particular assignment to keep the block safe for pedestrian traffic. The officer was permitted to order persons to leave or else enter an open establishment or be charged with obstruction if they substantially barred the free and safe passage of pedestrians on the sidewalk. A preponderance of the evidence indicated that the officer was entitled to issue the order under the circumstances.

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

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

FINDINGS OF FACT: The complainant stated that the officer grabbed him as he was walking away and twisted his arm, pushed him to the patrol car and slammed him against it. The officer denied that he used force or had physical contact with the complainant beyond that necessary to handcuff him. No civilian witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was arrested for being drunk, although he does not drink or use drugs and had only drank half a beer that evening. The officer stated that the complainant was arrested for being under the influence of a drug in public, and that he based his arrest on the complainant's behavior and various physical manifestations that he observed. A witness submitted a statement saying he had been with the complainant all day, and that complainant had not taken a drink or done any drugs, contradicting the complainant's acknowledgement that he had drank half a beer. There was no witness corroboration of the officer's observations. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: Handcuffing the complainant to transport him to the station would be proper if there was evidence that the arrest itself was proper. Since there was insufficient evidence to prove the propriety of the arrest, there is also insufficient evidence to prove the propriety of the handcuffing.

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

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

FINDINGS OF FACT: The evidence established that the complainant was transported to the station and then to county jail. Since there was insufficient evidence to prove the propriety of the arrest, there is also insufficient evidence to prove the propriety of the transport.

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SUMMARY OF ALLEGATION #7: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he asked for a breathalyzer test at the scene as he was being arrested for being drunk. The officer denied that the complainant asked for the test, and said the complainant was arrested for being under the influence of drugs in public, not for alcohol. The complainant acknowledged that he did not ask to make a telephone call at the station to arrange for a test. Under these circumstances, tests are not administered by San Francisco Police Department members on the street. The complainant would have needed to arrange to be tested at the station, which he did not do. A preponderance of the evidence established that the officer did not fail to take any action required of him.

SUMMARY OF ALLEGATION #8: The officer engaged in selective enforcement of the law.

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

FINDINGS OF FACT: The complainant stated that he believed he was singled out and booked at the county jail, as opposed to being detained and released from the station as others were, because he had identification linking him to the public defender's office. The officer denied that he was negatively influenced by any mention of the public defender and denied that the complainant was treated less favorably than anyone else who exhibited the same behavior and manifestations. No independent witness came forward. There was no evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer inappropriately searched the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer searched him three or four times at the station. The officer stated that he conducted the booking search and no other. No witnesses came forward or recalled. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer subjected the complainant to a prolonged detention.

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

FINDINGS OF FACT: The complainant stated that he believed he was held for an unduly prolonged period of time at the station. The officer stated he did not know when the complainant was transferred to the county jail, and denied that he deliberately prolonged his stay at the station. The officer stated that other duties delayed him for a time in getting back to the station to complete his examination of the complainant. The complainant's recollection of times, as reported to the Office of Citizen Complaints, was contradictory in some respects. Jail records established a rough timeframe for his booking, but there was insufficient evidence to prove that the complainant was held at the station for an undue length of time or that the officer was responsible.

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SUMMARY OF ALLEGATION #11: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated that the officer used his police authority to charge and book him for public intoxication without sufficient testing. The investigation established that the officer was entitled to book the complainant as charged, based on the observations documented in the records of the arrest. However, the complainant denied that he exhibited signs that he was unable to care for himself as a result of intoxication, and no witnesses came forward. There was insufficient evidence to prove or disprove the validity of the observations, but the observations themselves, and their documentation, were sufficient according to Department training.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers at the scene stated they did not know if they detained the complainant or if any other officer did. The complainant failed to make himself available to review a photo line-up of officers. The witness who came forward was unable to identify the officer who had contact with the complainant. Other witnesses failed to come forward. There was insufficient evidence to identify any officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: Officers at the scene stated they handcuffed individuals, although none could say whether or not they handcuffed the complainant, for officer safety reasons since there was a report that someone had a weapon. The complainant failed to make himself available to review a photo line-up of officers. The witness who came forward did not see the handcuffing. Other witnesses failed to come forward. There was insufficient evidence to identify any officer or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officers displayed their service weapons to the complainant without justification.

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

FINDINGS OF FACT: The officers at the scene stated they did not know if they detained the complainant or if any other officer did or if they had displayed their weapons to the complainant. The complainant failed to make himself available to review a photo line-up of officers. The witness who came forward was unable to identify the officers who had contact with the complainant and their weapons drawn. Other witnesses failed to come forward. There was insufficient evidence to identify any officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used unnecessary force in the detention of the complainant.

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

FINDINGS OF FACT: The complainant stated that an officer kicked him and struck him when he was on the ground and not resisting. He failed to come forward to review a photo line-up of officers. No officers who responded to the incident could say for certain that they detained the complainant but all denied using the force described or seeing it used by any officer. A witness stated that she saw an officer kick and strike the complainant but was not in a position to identify the officer. Other witnesses failed to come forward. There was insufficient evidence to identify any officer or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5 The officer placed the handcuffs on the complainant too tightly.

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

FINDINGS OF FACT: The complainant stated that an officer placed handcuffs on him too tightly. The complainant failed to come forward to review a photo line-up of officers. No officers who responded to the incident could say for certain that they handcuffed the complainant or knew who did. A witness stated that she did not see who handcuffed the complainant. Other witnesses failed to come forward. There was insufficient evidence to identify any officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #.

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that an officer used excessive force on him. The officers who responded to the incident denied that they used or saw the force described used and therefore, reported none. A witness said she saw the force used but could not identify the officer who used the force. The complainant failed to make himself available to review a photo line-up of officers. Other witnesses failed to come forward. There was insufficient evidence to identify any officer or to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to write an Incident Report.

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

FINDINGS OF FACT: The officers at the scene, including the primary responding unit and its supervisor, stated that because there was no gun located and the situation was merely a fight that was about to happen, there was no crime to report. The officers denied the use of reportable force or any condition that would have made a report a requirement. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was pulled over by the officer for no valid reason. The officer stated the complainant made a sudden stop in front of his vehicle, impeding the flow of traffic. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer issued a citation for impeding the flow of traffic. The complainant stated he did not block traffic and had just gone around the police vehicle. The officer stated he witnessed the complainant stop his vehicle in the path of the officer, impeding the flow of traffic. The officer issued a traffic citation for impeding traffic and no proof of insurance. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer charged and accelerated his vehicle toward the complainant's vehicle. The complainant stated the officer slammed the complainant's driver's side door and grabbed the complainant's wrist to get his pen back. The complainant stated the officer yelled and threatened him. The officer stated the complainant was yelling and screaming at him. The officer stated he reached into the complainant's driver's side window area to get his pen and citation book back as the complainant refused to give back the items. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4: The officer failed to provide a name and star number upon request.

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

FINDINGS OF FACT: The complainant stated he did not directly request from the officer his name and badge number because he felt threatened. The officer stated he advised the complainant his name and badge number and referred the complainant to the citation for reference. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5: The officer drove improperly and in an unsafe manner.

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

FINDINGS OF FACT: The complainant stated the officer drove his vehicle, made a sudden stop and failed to have a left turn signal on at the intersection. The complainant stated in response to the officer's sudden vehicle stop, he honked his horn at him and advised him to use a turn signal. The officer stated he was stopped in the lane and had a left turn signal. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6: The officer failed to take an O.C.C. complaint.

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

FINDINGS OF FACT: The complainant stated he called the Mission Station and tried to talk to the officer. The complainant stated he left a message for a call back from that officer. The complainant stated the officer told him he could call the O.C.C. to make and, or file a complaint. The complainant stated the officer did not forward his complaint to the O.C.C. The officer stated he spoke to the complainant by telephone and advised him the different options in filing an O.C.C. complaint. The officer stated the complainant was hostile and accusatory. The officer stated the complainant terminated the telephone call. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #7: The officer used inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant stated the officer refused to take his telephone complaint. The complainant stated the officer refused to return his request for a call back. The comp stated he called again and reached the officer who laughed and minimized the seriousness of the complaint and officer. The complainant stated the officer did not take the complaint seriously. The officer stated the complainant was disruptive, hostile, accusatory, and immature. The officer stated he did laugh or minimize the other officer's behavior or complaint. The officer further stated the complainant terminated the call with him. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer spoke to him inappropriately during an interview about a sexual assault. The named and one witness officer denied the named officer made the alleged comments. A witness, a professional therapist who sat in throughout the interview, corroborated the complainant's allegation, and characterized the officer's as inappropriate, unprofessional and damaging to the victim's experience in reporting the crime. 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 inappropriate.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that he gathered all evidence that was offered him by the victim. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC-ADDED ALLEGATION #1: The Department has neither established nor implemented procedures for interviewing victims of sexual assaults.

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

FINDINGS OF FACT: The complainant and a witness in this case stated that an officer who conducted a preliminary investigation into a sexual assault conducted the victim interview in a manner that offended the victim, and made him feel like he was being partially blamed for the attack that he had endured. Among the officer's behaviors the victim complained about were repeated requests that the victim describe the graphic details of a violent sexual assault, questions about why the victim had not fought back or resisted his attacker, constant interruptions during the victim's account of the crime, and explanations that the contentious questions were, "what you're going to have to face when you get in front of a defense attorney." The victim and the counselor who was with him during the interview stated that the officer's actions resulted in an erosion in the victim's confidence, and a perception that he was being blamed for the attack.

The named officer denied making the alleged comments, but did acknowledge that she asked the victim about his resistance to the attack, which the officer said was necessary to establish a crime, had occurred. A witness officer denied that the named officer made any inappropriate comments.

A trainer at the San Francisco Police Department Academy, told the Office of Citizen Complaints that he believed Sexual Assault training had been taught in the Academy since at least 1981, when he was a recruit, but said he believed that each instructor had his or her own curriculum in the area, at least until 1998, when the department implemented the Learning Domain Series of training exercises. The trainer said he was not sure, but thought there may be sexual assault interview training included in the Interview/Interrogation training.

An officer, who coordinates Advanced Officer Training at the San Francisco Police Department Academy, stated on August 16, 2005, that there is no currently mandated element in sexual assault training Advanced Officer Training. She recommended speaking to a retired inspector in the Sex Crimes Division, who is a current trainer in officer communication at the Academy.

The retired Inspector is a 23-year veteran of the San Francisco Police Department and a former inspector in Sex Crimes, who now is a contract trainer for the Academy on Crisis Communications. The trainer told the Office of Citizen Complaints on September 1, 2005, that, as far as he knows, the only training officers in San Francisco receive is during recruit training, when there is a 2-hour block on sex crimes, of which 10-15 minutes deals with the interview of the victim.

Continued

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Asked to comment on the nature of the comments allegedly made to the victim in this incident, the retired Inspector said that each interview can require a different approach, and that he would be reluctant to say there is never a reason to engage in a particular line of questioning. As to questions of resistance and fighting off an attacker, the retired Inspector said that information can be important to an investigation, but there is always a gentle way of asking for it, suggesting the neutral, “what did you do? What happened next?” technique.

The retired Inspector did say, “certain questions are going to be better avoided. For instance, the law is pretty clear in California that there does not need to be resistance, that it’s not even necessary [for a victim] to say, ‘No,’ for there to be the elements of an assault.” The retired Inspector added, however, “Patrol officers would not necessarily know that.”

The retired Inspector suggested that, especially in San Francisco, where patrol officers usually conduct the preliminary interviews of sex assault victims, more specialized training should be provided in this area.

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

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

FINDINGS OF FACT: The complainant stated in his complaint form that he fled in his vehicle from officers, leading them on a chase during which he drove between two police cars, slightly damaging one car. The complainant then fled on foot, and was arrested in a field. The complainant stated that the officer whose car he struck, and who he identified by name, punched him in the face while he was handcuffed. The named officer denied using any force on the complainant. Witness officers stated that they did not see anyone use force on the complainant. The complainant failed to provide Office of Citizen Complaints with additional requested evidence.

SUMMARY OF OCC ADDED ALLEGATION #1: The officers failed to report or log use of force.

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

FINDINGS OF FACT: The complainant stated in his complaint form that he fled in his vehicle from officers, leading them on a chase during which he drove between two police cars, slightly damaging one car. The complainant then fled on foot, and was arrested in a field. The complainant stated that the officer whose car he struck punched him in the face while he was handcuffed. No use of force was reported or logged by the named officer. The named officer denied using any force on the complainant. Witness officers stated that they did not see anyone use force on the complainant. The complainant failed to provide Office of Citizen Complaints with additional requested evidence.

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SUMMARY OF ALLEGATIONS #1-3: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated the officers entered his residence with a key. The officers stated the Hotel manager opened the door at the request of Mobile Crisis Team for service to assist in a 5150 W&I detention. The Hotel manager stated that the complainant was making threats to kill him and others. The witness did not recall opening the door but said it is possible that he did so. The Mobile Crisis Center medical records document that they requested police assistance to conduct a 5150 W&I detention, and that the hotel staff opened the door to the complainant's residence. The Mobile Crisis doctor did not respond for an interview. The officers had the authority to assist the Mobile Crisis Team in conducting an involuntary 5150 W&I detention.

SUMMARY OF ALLEGATIONS #4-6: The complainant was detained without justification.

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

FINDINGS OF FACT: The officers stated they responded to a call for service to assist in a 5150 W&I detention by the Mobile Crisis Center. The Mobile Crisis Center medical records document that they were the applicants for the 5150 W&I detention and requested police assistance. The officers had the authority to assist Mobile Crisis Center.

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SUMMARY OF ALLEGATIONS # 7: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the female officer ripped off his bed covers and refused to permit him to dress. The named officer denied the allegation; witness officers also denied the allegation. The Hotel manager stated that he did not witness this. There were no other witnesses.

SUMMARY OF ALLEGATIONS #8-9: The officers used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant said the female officer grabbed his arm and flung him to the ground. He said the male officer grabbed him by the ponytail and slammed his face into the patrol car. The officers denied the allegation. The officers stated the complainant was resisting and only necessary force was used. The hotel manager said he did not witness what happened inside the comp's residence but when the officers took him out he did not witness any force or abuse by the officers. Medical records show that the complainant was agitated and angry and that the complainant felt justified in his actions towards clinic staff, police and hotel staff. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS # 10: The officer employed tight handcuffs.

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

FINDINGS OF FACT: The complainant stated the female officer put on the handcuffs tight and cinched them still tighter. The officer denied the allegation; witness officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that while he was detained in his residence, officers searched through his furniture drawers for no apparent reason. The officer stated he retrieved some articles of clothing at the complainant's request direction. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #12: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT The complainant stated that the female officer used a sexual slur during his transport. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer discouraged the filing of an Office of Citizen Complaints.

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

FINDINGS OF FACT: The complainant stated the sergeant spent forty-five minutes attempting to persuade him not to file a complaint. The sergeant denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officers handcuffed 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 #4: The officers searched the complainant 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 #5: The plainclothes officers failed to display their department issued stars.

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

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

SUMMARY OF ALLEGATION #6: The officers failed to issue the complainant with a Certificate of Release.

CATEGORY OF CONDUCT: ND **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 utilized profane language to the complainant.

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

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

SUMMARY OF ALLEGATION #8: The officer made a sexually derogatory comment to the complainant.

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

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

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

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

FINDINGS OF FACT: The officer stated that she stopped the complainant because “he was driving in a dangerous manner.” The complainant denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately toward the complainant.

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

FINDINGS OF FACT: The complainant stated that when he got out of the vehicle to take his jacket off, the officer began screaming at him. The complainant stated that he was then hit in the stomach and told to get back into his vehicle. The officer stated that she had to raise her voice to get the complainant back into his vehicle. The officer denied hitting the complainant as alleged. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

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

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

FINDINGS OF FACT: Office of Citizen Complaint's investigation established that the complainant was not questioned about the crime he had allegedly committed. 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 #6: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant's vehicle could not be legally parked where he was arrested. 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 #7: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The identity of the alleged officer had not been established. There were no other witnesses 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 # 1-2: The officers detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant said the officer approached his vehicle with a drawn weapon and aimed at the driver. The officer stated he did have his weapon drawn but to his side and said he did not aim it at anyone. The other officers may have had their weapons drawn but not aimed at anyone. Post Training instructs officers in a high risk pullover to have firearms “at the ready”. There is no distinction in SFPD policy on “Drawing Firearms” (DGO 5.02 I.B.) between having a firearm drawn and having it pointed.

SUMMARY OF ALLEGATION #3: The officer unlawfully searched and seized the complainant’s keys.

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

FINDINGS OF FACT: The complainant stated the officer asked him to hand over the car keys from the ignition. The officer stated he asked for the car keys for officer safety, to immobilize the car so that he could not drive off. POST Training instructs officers to instruct the occupant/driver to surrender the keys in “Vehicle Pullovers.” This detention fit the category of “High –Risk pullover” because the officers had reason to believe that one or more of the occupants of the car may have been armed.

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

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

FINDINGS OF FACT: The complainant said that the officer searched him to make sure he did not have any weapons. The officer said he pat searched the complainant for weapons. The officer had the authority to conduct a pat search for weapons due to the nature of this call and officer safety.

SUMMARY OF ALLEGATION #5: The officer was rude in tone and manner.

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

FINDINGS OF FACT: The complainant stated he asked the officer for his name and badge number and the officer became angry and responded, "Oh, you want my name and star number." He said the officer wrote the information on a piece of paper and shoved it on his hand and said go ahead an make your complaint, laughed and left the scene. The officer denied the allegation. The witness did not respond for an interview. There were no other witnesses to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated he was not issued a certificate of release. The officer stated he did not issue a certificate of release because per the General Orders, he believes he was not required to issue one since the contact was brief less than 9 minutes, the complainant was not handcuffed, and not moved. The CAD shows that the complainant was detained at about 14:28:50 and the call was cleared/handled by 14:37:56. The complainant also stated he was not handcuffed.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer ordered him to end his cell phone conversation, snatched the telephone from the complainant's hand, and told the complainant he could mess with him anytime the officer wanted, now that the complainant was on probation. The officer denied the allegation, which was corroborated by a fellow officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the officers detained him when he was only speaking to a relative by cell phone and doing nothing illegal. The officers denied the allegation, stating they had legal authority to conduct a warrantless search of the complainant; subject to the latter's court-ordered search condition. California law permitted the named officers to conduct a warrantless search of the probationer provided the search was not conducted in an arbitrary or capricious nature. There is insufficient evidence to support the officer's conducted their search of the complainant in an arbitrary or capricious manner.

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SUMMARY OF ALLEGATION #4-5: The officers searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the officers detained and searched him for no apparent reason. The officers denied the allegation, stating that they detained and searched the complainant subject to his probationary search condition. California case law permits the officers' detention and warrantless search of a probationer without reasonable suspicion or probable cause of criminal activity afoot. There was insufficient evidence to establish that the officers acted in an arbitrary or capricious manner.

SUMMARY OF ALLEGATION #6-7: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that one named officer threatened to detain and search whenever he wanted while both officers had conducted such detentions and searches without reason. The officers denied the allegation. There was insufficient evidence and no witnesses to prove or disprove the officers harassed the complainant by conducting arbitrary and capricious detentions and searches of the complainant.

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SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force during their response.

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

FINDINGS OF FACT: The officers denied the allegation. A witness, who called the police on the complainant, stated that he did not witness the alleged use of excessive force. There were no other witnesses identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant's guest was placed under a private person arrest for trespassing. 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 #5: The officer handcuffed the arrestee without justification.

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

FINDINGS OF FACT: The arrestee was placed under a private person arrest. The handcuffing was part of a valid and lawful arrest. 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 #6: The officer used profane language.

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

FINDINGS OF FACT: The officer and another officer denied the allegation. A witness did not hear any use of profanity by the police. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-8: The officers interfered with the Rights of Onlookers.

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

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

SUMMARY OF ALLEGATION #9: The officer misrepresented the truth.

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

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

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SUMMARY OF ALLEGATION #1-2: The officers used force against the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. One witness interviewed by the OCC could not recall this specific incident. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer failed to take an OCC complaint.

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

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

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SUMMARY OF ALLEGATION #1: The officer failed to write a recovered vehicle report and failed to contact Auto Statis.

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

FINDINGS OF FACT: A preponderance of the evidence proved that the officer received a stolen vehicle and failed to properly document the recovery. The conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer failed to remove the vehicle from the stolen vehicle list.

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

FINDINGS OF FACT: The officer who was charged with reporting the recovery of the vehicle failed to make the proper notifications. Therefore, the Unit charged with removing the vehicle from the system was never informed of the recovery. The evidence proved that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The sergeant who received and approved the Incident Report failed to recognize that the report writing officer had improperly documented the recovery of a stolen vehicle and failed to contact the Unit charged with the removal of the stolen vehicle from the database. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers did not want to arrest the person who assaulted her. The complainant said the officers made light of her situation and instead asked if she wanted an ambulance. The officers stated the complainant was uncooperative and did not provide sufficient information for them to proceed with their investigation. One witness, a paramedic, stated that he did not hear the conversation but could hear the complainant screaming and being verbally abusive. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer offered to take her to a shelter and was condescending towards her. The officer denied the allegation. One witness, paramedic, stated that he did not hear the conversation but could hear the complainant screaming and being verbally abusive. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 4-6: The officers failed to provide prompt and appropriate medical attention.

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

FINDINGS OF FACT: The complainant said she requested the officers to get her medical assistance. The complainant admitted that she refused medical treatment initially when the ambulance was on scene. She later requested medical assistance from the sergeant who told her no because she had her chance earlier. The officers stated that they promptly summoned medical assistance, but the complainant refused assistance. One witness, a paramedic, said his unit responded to the scene twice, but the complainant twice refused medical assistance. CAD records indicate the officers promptly summoned medical assistance. The officers' actions were proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer threatened to arrest her if she called 911 again. The officer stated that he was advised by Dispatch that the complainant had called 911 five times during the incident. The officer stated that he told the complainant that there was no longer an emergency, and that it was unlawful for her to continue to call 911. The officer's action was proper.

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SUMMARY OF ALLEGATIONS #1-3: The officers searched the complainant's residence without consent or cause.

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

FINDINGS OF FACT: In his Office of Citizen Complaints interview, the complainant stated that he gave consent to the officers to come inside to listen to the sounds he was complaining about. The officers stated, that once inside they saw loaded guns in plain sight. The officers stated that the complainant willfully complied when asked to reveal locations of additional weapons that he possessed. One witness stated that he heard the complainant invite the officers into his bedroom. Another witness stated that she did not actually hear the complainant invite the officers into his apartment. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #4-6: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The officers stated that they were alarmed by the amount of firearms and ammunition in the complainant's apartment. They stated that the complainant appeared to be mentally unstable but not a danger to himself or others. They stated that they seized the weaponry for safekeeping until the Psychiatric Liaison Unit could evaluate the complainant. However, the officers did not have the authority, under The Fourth Amendment to the United States Constitution, as well as Department General Orders 5.16 and 6.14, to seize the complainant's weapons. Before seizing the complainant's property, the officers should have obtained a search warrant or involuntarily committed the complainant pursuant to the criteria of §5150 of the California Welfare & Institutions Code. The allegation must be sustained.

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SUMMARY OF ALLEGATIONS #7-8: The officers made inappropriate comments.

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

FINDINGS OF FACT: The officers denied making inappropriate comments. Another officer at the scene stated that she did not hear the officers make inappropriate comments. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #9: The officer misused police authority.

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

FINDINGS OF FACT: The officer stated that he referred the complainant to the Psychiatric Liaison Unit because the complainant possessed a large amount of guns and ammunition and appeared to be suffering from some type of mental illness. The officer stated that he made this referral in the interest of public safety. Two witnesses and two officers at the scene also stated that the complainant appeared to be suffering from some type of mental illness. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation, and the evidence established that the complainant was driving a vehicle without license plates, valid registration, and proof of insurance. Therefore, the officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation, and the evidence established that the complainant was driving a vehicle without license plates, valid registration, and proof of insurance. Therefore, the officer's actions were lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The officer stated that he could not recall the incident and was therefore unable to answer whether he willfully neglected or ignored the complainant's questions or not. Consequently, the officer did not or could not answer whether he lit up a cigar or not while waiting for the tow truck. 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 #4: The officer was rude in tone and manner.

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

FINDINGS OF FACT: The officer stated that his behavior must have been normal, as he does not recall this incident, and had no recollection of a confrontation. 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: 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 searched the complainant 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 #3: The officer conducted an improper search.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/05 **DATE OF COMPLETION:** 11/28/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-3: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on 11/17/05.

SUMMARY OF ALLEGATION #4-6: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on 11/17/05.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/05 **DATE OF COMPLETION:** 11/28/05 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #7: The officer(s) threatened the complainant's relatives.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on 11/17/05.

SUMMARY OF ALLEGATION #8: The officer(s) failed to provide name and star number.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on 11/17/05.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer and two other officers on scene denied the allegation. Although three other witnesses on scene could not specifically verify or deny the alleged threats or comments, they characterized the officer's behavior in a positive light, and the complainants' behavior as irrational, uncooperative, unreasonable throughout this parking incident. There is insufficient independent evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer and another officer on scene denied the allegation. Four other witnesses on scene could not verify or deny the allegation. There is insufficient independent evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/05 **DATE OF COMPLETION:** 11/25/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drew his firearm without justification.

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

FINDINGS OF FACT: The officer stated that he drew his firearm because the dog barked aggressively and came within one foot of him without stopping until its owner gained control of the dog by grabbing the collar. The officer also stated that he feared for his safety. The complainant related the same account, except that the dog stopped ten feet from the officer when he called the dog's name. The facts reported by both parties support a reasonable fear by the officer that he was in immediate danger of great bodily injury. The officer's actions were within the guidelines of DGO 5.02 and therefore lawful and proper.

SUMMARY OF ALLEGATION #2: The officer displayed inappropriate and retaliatory behavior

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

FINDINGS OF FACT: The officer denied the allegation, and stated that the complainant asked for his star number only after he began writing the citation. There were no witnesses and there is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/05 **DATE OF COMPLETION:** 11/25/05 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that his dog was off leash, because he is under the impression that the Richard Gamble memorial park is a dog exercise area. Section 41.12(a) of the San Francisco Health Code makes it unlawful for any animal owners to permit said animal to run at large within the City and County except those areas under Recreation and Park Commission, which have been designated as an animal exercise area. The Richard Gamble memorial park is owned and maintained by Muni (DTA) so dog owners must maintain their dogs leashed. The provisions of the San Francisco Health Code are therefore applicable in this scenario, and therefore, the officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/30/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1 - 3: The officers exhibited inappropriate behavior and made inappropriate comments

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

FINDINGS OF FACT: The complainant stated that she summoned police after an off-leash dog ran into a children's playground where her grandchild was playing and growled at the children. The complainant stated that the officers who responded minimized the complainant's concerns and appeared to take the side of the dog's owner. The named officers stated that the complainant was upset, and that they handled the matter in a fair and thorough manner. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 4 - 6: The officers failed to take required action

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

FINDINGS OF FACT: The complainant stated that she refused to take enforcement action against the dog's owner. The named officers stated that they took no enforcement action because they did not see the dog off-leash and because the complainant declined to sign a citizen's arrest. The complainant stated that she declined to sign a citizen's arrest after being told by one of the named officers that the dog's owner would then sign a citizen's arrest against her. The dog's owner denied ever saying that he wanted to sign a citizen's arrest. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/05 **DATE OF COMPLETION:** 11/30/05 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer detained her for ten to fifteen minutes. The named officer denied that the complainant was detained, stating that the complainant was free to go. 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: 07/07/05 **DATE OF COMPLETION:** 11/06/05 **PAGE#** 1 of 2

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 disputed the officers stopping her due to a seatbelt violation, stating the officers were not in position to view whether or not she wore her seatbelt. The officers denied the allegation, stating they drove next to the complainant's vehicle and observed the traffic infraction, which led to the traffic citation stop and detention. There is insufficient evidence and no witness account to 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 stated that she should not have been issued a citation, as she did wear her seatbelt while driving and possessed proof of insurance but was not provided enough time to produce the insurance card. The officers denied the allegation, stating they drove next to the complainant's vehicle when observing the traffic infraction. Further, the officers stated they permitted the complainant time to search her car trunk but she could not produce proof of insurance. There is insufficient evidence and no witness account to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/07/05 **DATE OF COMPLETION:** 11/06/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer to be mean and defensive during the traffic citation stop. The officer denied the allegation. 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: 07/08/05 **DATE OF COMPLETION:** 11/10/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was not publicly intoxicated and should not have been detained. The officers denied the allegation, stating the complainant had been in violation of California Penal Code §647(f) (public intoxication). Evidence corroborated the officers' statements, including statements by hotel security personnel, hotel log entry, communication records, county jail medical records, and, in part, the complainant's own admission of having consumed alcohol and undisclosed medication earlier that afternoon. The officers were, therefore, proper and justified for having lawfully detained the complainant.

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

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

FINDINGS OF FACT: The complainant alleged the officer immediately and unjustifiably approached her with a mean, aggressive look. The officer denied the allegation, stating he approached the complainant in a calm manner. The witnesses recalled the officers professionally handling the situation, taking ten to fifteen minutes to sort out what had occurred before deciding to take the complainant into custody, which is corroborated by communication records. The evidence indicates that the officer acted properly and professionally and was legally justified in handcuffing, detaining, and taking the complainant into custody.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/05 **DATE OF COMPLETION:** 11/10/05 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #4: The officer used excessive force while handcuffing the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer forcefully handcuffed her, exacerbating a prior shoulder/arm injury. The officer denied the allegation, stating he employed only a bar arm wristlock to handcuff the suspect. The witnesses recalled the complainant complaining of pain due to a previously broken arm, however, she appeared to exacerbate that pain by resisting the handcuffing and pulling away from the officers, who, in turn, moved in concert with the complainant to lessen the complaint of pain. The evidence indicates that the officer was legally justified in handcuffing the complainant and took proper action to control the complainant with the least amount of force resulting in the least amount pain to the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/12/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant summoned the police to him to initiate a criminal investigation into missing pieces of property [wallet and bike]. Department General Order 6.18 (dated 7/27/94) states that officers may make a warrant check during the course of a criminal investigation. One named officer stated to the Office of Citizen Complaints that the complainant made a statement to the officers about wanting “a new beginning,” which aroused suspicions about his past. She memorialized this statement of the complainant in the Incident Report she wrote about the complainant’s arrest, which she wrote contemporaneously to the complainant’s arrest. The complainant admitted he is a fugitive from justice in another state in his statement of complaint; the warrant the police discovered during this warrant check and upon which they arrested him reflects this status. The warrant check was allowed, as an option in DGO 6.18, and the arrest on an active out of state warrant so discovered was allowed, and is proper conduct.

SUMMARY OF ALLEGATION #3 & #4: The officers seized belongings to the complainant without cause.

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

FINDINGS OF FACT: The officers denied this allegation. The Incident Report did not include a listing of property seized. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5 and #6: This complaint also raises matters outside Office of Citizen Complaints jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT:

Referrals to:

1. San Francisco Sheriff Investigative Services Unit, 25 Van Ness, SF 94102
2. Pennsylvania Department of Corrections, 2520 Lisburn Road, P.O. Box 598, Camp Hill, PA 17001-0598

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/20/05 **DATE OF COMPLETION:** 11/26/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer did not take his interview about what occurred at the scene. The complainant stated he provided his driver's information as requested by the officer. The officer stated he interviewed the complainant about the traffic accident at the scene. The witnesses stated the officer interviewed the complainant at the scene.

SUMMARY OF ALLEGATION #2: The officer wrote an incomplete or inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated the officer wrote an inaccurate incident report, which placed him at fault for the traffic accident. The complainant stated the other driver veered into his lane. The officer stated he interviewed all parties at the scene, including two witnesses who corroborated that the complainant veered into the opposing lane in violation of §21650 CA Vehicle Code. The witnesses verified what they stated to the officer about what they saw.

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DATE OF COMPLAINT: 03/10/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer beat him with a flashlight after the complainant had been taken into custody and handcuffed. The officer denied the allegation, as corroborated by the other arresting officers. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth in an Incident Report.

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

FINDINGS OF FACT: The complainant stated the named officer misrepresented in his incident report that the complainant assumed a fighting stance and resisted the officers' arrest. The officer denied the allegation, stating that the complainant did physically resist his arrest, as corroborated by the other arresting officers. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3-6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officers stood by while another officer beat him with a flashlight after being taken into custody. The officers denied the allegation, stating that the event they were to prevent never took place. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer misrepresented the truth in Use of Force Log.

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

FINDINGS OF FACT: The named officer denied striking the complainant with a flashlight after the complainant had been taken into custody, or that an injury resulted due to the officer's force used. The named officer reported his use of force (i.e., twice striking the complainant with his fist), however, the officer did not report injury to the complainant, as was claimed by the complainant. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/22/05 **DATE OF COMPLETION:** 11/10/05 **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 alleged that an officer failed to act on his report of a MUNI employee's verbal assault upon him. The complainant, however, failed to provide additional requested evidence, resulting in a no finding of this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/26/05 **DATE OF COMPLETION:** 11/23/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on 11/10/05.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/04/05 DATE OF COMPLETION: 11/10/05 PAGE #1 of 2

SUMMARY OF ALLEGATION #1: The officer selectively enforced the law.

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

FINDINGS OF FACT: The complainant stated that the officer did not speak to other persons who were soliciting in the area. The officer stated that there were no other persons soliciting in the area. There were no witnesses to this contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the officer told her to move on and that she is not permitted to sell the Street Sheet. The complainant admitted on her 293 complaint form, that she was selling the Street Sheet. The officer stated that he did tell the complainant that she could not sell the Street Sheet and that she could not aggressively panhandle which was the call he was dispatched on. The officer stated that he did tell her that she could solicit donations but again she could not sell the paper. The evidence proved that the act alleged did occur, however said act was proper and lawful.

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SUMMARY OF ALLEGATION #3: The officer acted in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The officer denied making the alleged comments or acting in the alleged inappropriate manner. There were no witnesses to the contact. 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
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DATE OF COMPLAINT: 08/11/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The Office of Citizen Complaints investigation revealed that the failure to promptly respond to the scene was the failure of the San Francisco Emergency Communication Department. The Office of Citizen Complaints recommends that this complaint be referred to ECD for review.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated that he had a poor recollection of the exact details of the incident, due to the elapsed time since the incident and that he has assisted hundreds of citizens at the police station. However, the officer stated that he has never told a citizen to "Shut up," while assisting the public at the police station. The officer could not recall if any other officers were present during the contact. There were no additional witnesses. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/05 **DATE OF COMPLETION:** 11/06/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that he was stating a fact, based on the complainant's numerous illegal activities at the airport. The officer stated that he has warned the complainant in the past of a possible revocation of his permit. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated that the complainant's vehicle was missing a California license plate. The traffic stop was made to review the DMV documents and to determine whether a violation existed. The complainant's vehicle displayed a DMV temporary operating permit, however, the officer requested the DMV documents to verify the information. The officer's actions were lawful and proper.

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DATE OF COMPLAINT: 08/19/05 **DATE OF COMPLETION:** 11/26/05 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers took the complainant into custodial arrest without cause.

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

FINDINGS OF FACT: The officer stated that, upon detaining the complainant, they discovered that the complainant possessed marijuana that appeared to be packaged for sale. They stated that they further believed that the marijuana was not for the complainant's personal use because of 1) the amount of marijuana the complainant had, 2) because the complainant did not have any smoking paraphernalia, and 3) because complainant was in possession of a large amount of currency, in denominations consistent with sales. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #-3-5: The officers towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The officers stated that the complainant's vehicle was towed 1) pursuant to the complainant's arrest; 2) because it was illegally parked; and 3) because the vehicle was not registered to the complainant. Since the investigation determined that complainant's arrest could not be proved to be proper or improper, and the tow of the vehicle was the direct result of the arrest, the tow also cannot be proved to be proper or improper.

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DATE OF COMPLAINT: 08/19/05 **DATE OF COMPLETION:** 11/26/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #-6-8: The complainant was strip searched without cause.

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

FINDINGS OF FACT: The officers stated that after his arrest for illegal drugs, the complainant was strip searched for additional contraband. Since the investigation determined that complainant's arrest could not be proved to be proper or improper, and the search of the complainant was the direct result of the arrest, the search also could not be proved to be proper or improper.

SUMMARY OF ALLEGATIONS #-9-10: The officers failed to properly process and safeguard the complainant's property.

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

FINDINGS OF FACT: The complainant alleged that his DVD player was not in his vehicle when he retrieved it from Auto Return. The complainant's DVD player, among other items, was properly noted on the tow inventory slip. The officer's conduct was proper. The allegation was forwarded to Auto Return 450 7th Street, San Francisco, CA 94103.

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DATE OF COMPLAINT: 08/19/05 **DATE OF COMPLETION:** 11/26/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #-11-12: The officers took retaliatory action against the complainant.

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

FINDINGS OF FACT: The complainant stated that, after his arrest, he was approached by a public defender that told the complainant that he was supposed to be in court as defense witness in an unrelated matter. The complainant stated that he did not receive a subpoena and knew nothing about it. The complainant alleged that he was arrested to keep him from testifying as a defense witness. The officers denied this allegation and stated that they did not know the identities of the defense witnesses. There was insufficient evidence to further prove or disprove this matter.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/26/05 **DATE OF COMPLETION:** 11/30/05 **PAGE #1** of 2

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

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

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

SUMMARY OF ALLEGATION #2: 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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DATE OF COMPLAINT: 08/26/05 **DATE OF COMPLETION:** 11/30/05 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: 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 #4: The officer issued an invalid order.

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/29/05 **DATE OF COMPLETION:** 11/30/05 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: In his statement to the Office of Citizen Complaints, the officer states that he saw the complainant drive through a stop sign without stopping, and that the driver's side brake light was "extremely dim." As the complainant could activate his brake lights without stopping completely, this is not a contradiction. There are no witnesses identified by either the complainant or the officer, and therefore 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
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DATE OF COMPLAINT: 08/29/05 **DATE OF COMPLETION:** 11/25/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. There was insufficient information provided to investigate his complaint.

SUMMARY OF ALLEGATION #2: The officers failed to write a police report.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. There was insufficient information provided to investigate his complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/29/05 **DATE OF COMPLETION:** 11/25/05 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. There was insufficient information provided to investigate his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The named officer denied the allegation. The officer stated that he explained the reason for the traffic stop and provided all the necessary information to the complainant regarding the citation. The officer received two messages from the complainant and returned both calls to advise the complainant that he had no knowledge of the whereabouts of the complainant's driver's license. The officer maintained that he was calm and professional to the complainant during the traffic stop and during their telephone conversation. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The named officer issued the complainant a citation for 22450(a)VC-Failure to Stop at a Stop Sign and for 21950(a)VC-Driver to Yield Right of Way at Crosswalk. The officer was parked and stationary approximately 30'-40' away from the intersection of Larkin and Sacramento Street. The officer observed the complainant approach the intersection southbound on Larkin Street. The officer observed the complainant fail to stop at the limit-line for the posted stop sign at Larkin and Sacramento Streets. During the officer's attempt to overtake the complainant's vehicle, the officer observed the complainant make a left hand turn eastbound onto California Street. At this time, the officer saw the complainant fail to yield to a pedestrian who was attempting to cross California Street. The officer observed that the pedestrian was forced to jump back to the curb to avoid being hit by the complainant's vehicle. The officer activated his emergency lights and siren and made a traffic stop on the complainant. There were no independent witnesses. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 08/30/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer was discourteous and used derogatory comments and profanity.

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

FINDINGS OF FACT: The named officer denied the allegation. The officer stated that he did not make any comments in relation to “foreigners,” towards the complainant, nor did he use any profanity at the complainant. The officer denied threatening the complainant with arrest if he failed to provide a phone number for the citation. The officer stated that he advised the complainant that he would simply write “Refused,” in the box on the citation, if he declined to provide his phone number. The officer stated that his demeanor was reasonably calm and very professional throughout his contact with the complainant. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to process the complainant’s property

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

FINDINGS OF FACT: The named officer denied the allegation. The officer stated that he returned the complainant’s driver’s license, registration, and insurance, along with the complainant’s copy of the citation at the completion of the traffic stop. The officer stated that he received two messages from the complainant regarding the complainant’s misplaced driver’s license. The officer stated that he returned both messages and informed the complainant that he did not have his driver’s license. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/31/05 **DATE OF COMPLETION:** 11/06/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's demeanor was inappropriate and threatening.

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

FINDINGS OF FACT: The complainant stated the officer loudly scolded him in a sarcastic tone and threatened to arrest him in the future. The officer denied the allegation. Another officer corroborated the named officer's version of what occurred but did not witness the entire incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to issue the complainant a citation.

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

FINDINGS OF FACT: The complainant stated the officer should have cited him for jaywalking, which he admits to doing, rather than scolding and threatening him. The officer stated that she properly exercised her discretion to advise the complainant of the danger in jaywalking in a high volume, vehicular traffic area, rather than cite the complainant. Under Department General Order 9.01 I.A.3., the officer had discretion not to cite the complainant who admittedly jaywalked, therefore, the officer's issuance of a citation was justified, lawful, and proper.

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DATE OF COMPLAINT: 08/27/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant identified an officer by his star number as having made inappropriate remarks to her person. The star number provided by the complainant does not match that of any officer at the scene. The officers at the scene were asked about the alleged remarks and denied they had occurred. Additionally, a witness at the scene stated he did not hear the officers make the alleged remarks. The investigation also discovered inconsistent statements made by the complainant and questions regarding the complainant's state of mind were also raised. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-5: The officers failed to investigate the situation.

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

FINDINGS OF FACT: The complainant stated the officers failed to investigate the incident she was involved in with another person. The officers denied the allegation and stated the matter was investigated and the situation abated by the officers acting in the capacity of civil stand-bys. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated she wanted another the witness arrested. The officers stated that the complainant made no such request. The witness, as the registered tenant in the room was asked if he wanted to perform a Citizen's Arrest on the complainant and stated he did not. The witness was unable to clarify the complainant's allegation regarding the demand for an arrest. Additionally, the complainant's state of mind and recollection of events were brought into question. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATIONS #1-5: The officer's behavior was inappropriate.

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 made in the complaint.

SUMMARY OF ALLEGATIONS #6-10: The officers failed to take a report.

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

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

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DATE OF COMPLAINT: 09/07/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer and a witness officer denied contact with the complainant. Department Records were researched by Office of Citizen Complaints and do not reflect any contact between the officer and the complainant at or about the date noted by the complainant. There were no witnesses to this alleged contact. The evidence proved that the alleged act did not occur or that the named member was not involved in the alleged act.

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

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

FINDINGS OF FACT: The officer and a witness officer stated they did not have any contact with the complainant and thus did not detain the complainant. Department records researched by Office of Citizen Complaints confirm that there was no contact between the officer and the complainant at or about the time noted by the complainant. There were no witnesses to this alleged contact. The evidence proved that the alleged act did not occur or that the named member was not involved in the alleged act.

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DATE OF COMPLAINT: 09/07/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The officer and a witness officer denied they had any contact with the complainant. Department records researched by Office of Citizen Complaints confirm that there was no contact between the officer and the complainant at or about the time noted by the complainant. There were no witnesses to this contact. The evidence proved that the alleged act did not occur or that the named officer was not involved in this alleged act

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

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

FINDINGS OF FACT: The officer and a witness officer denied they had any contact with the complainant at or about the time noted by the complainant. Department records researched by Office of Citizen Complaints confirm that there was no contact between the officer and the complainant at the time noted by the complainant. There were no witnesses to this alleged contact. The evidence proved that the alleged act did not occur or that the named officer was not involved in this alleged act.

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DATE OF COMPLAINT: 09/07/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer issued an invalid order.

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

FINDINGS OF FACT: The officer and a witness officer denied they had any contact with the complainant at or about the time noted by the complainant. Department records researched by Office of Citizen Complaints show there was no contact between the complainant and the officer, at the time noted by the complainant. There were not witnesses to the alleged contact. The evidence proved that the alleged act did not occur or that the named officer was not involved in the alleged act.

SUMMARY OF ALLEGATION #6: The officer failed to issue a Certificate of Release to the complainant.

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

FINDINGS OF FACT: The officer and a witness officer denied any contact with the complainant at or about the time noted by the complainant. Department records researched by Office of Citizen Complaints show there was no contact between the complainant and the officer, at the time noted by the complainant. There were no witnesses to the alleged contact. The evidence proved that the alleged act did not occur or that the named officer was not involved in the alleged act.

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DATE OF COMPLAINT: 09/12/05 **DATE OF COMPLETION:** 11/22/05 **PAGE # 1 of 2**

SUMMARY OF ALLEGATION #1-2: The officers failed to thoroughly investigate.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on 10/28/05.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on 10/28/05.

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DATE OF COMPLAINT: 09/12/05 **DATE OF COMPLETION:** 11/22/05 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on 10/28/05.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on 10/28/05.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/21/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to transport the complainant's son to a psychiatric hospital.

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

FINDINGS OF FACT: The officers arrested the complainant's son after he had made threats of great physical harm to another citizen in their presence. The officers transported the complainant's son to the company for booking and he was subsequently transported and received at county jail. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/29/05 **DATE OF COMPLETION:** 11/10/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was detained at gunpoint without justification during the course of a traffic stop. He stated that the stop occurred at night and all the electric windows in his car malfunctioned. Since he was unable to make any of the windows work, the complainant stated that he started to open the door to his car to provide the officer with his license and other paper work. The officer denied the allegation. He recalled the incident and remembered that he observed movement inside the passenger compartment of the car, which appeared otherwise darkened to him. When he approached the driver side window and the window was not rolled down, but saw the driver side door open, he became concerned for his safety, retreated from his initial approach, and went to the rear of the vehicle and subsequently to the passenger side of the vehicle for a second, safer approach. He drew his service weapon and held it in the low, ready position. He stated that he never pointed it directly at any of the vehicle's occupants. The witness, a juvenile passenger inside the vehicle, corroborated the officer's account. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/04 **DATE OF COMPLETION:** 11/10/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer handcuffed a person without justification.

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

FINDINGS OF FACT: The complainant stated the officer placed handcuffs on a bar customer without justification. The complainant stated the customer was in an argument with the owner of the business establishment, who was yelling at the customer. The bar owner stated the customer was not obeying the officer's order to leave the establishment. The witness stated the customer pushed and assaulted the officer. The officer stated he requested and then ordered the customer to leave the business but he refused and did not cooperate. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer arrested an individual without cause.

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

FINDINGS OF FACT: The complainant stated the customer was in an argument with one of the bar owners. The complainant stated the customer was calm and the owner was shouting before the officer confronted the customer. The officer stated he was asked by the owner of the business to remove the patron for trespassing. The officer stated the customer resisted, refused verbal orders, and assaulted him at the scene. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer used unnecessary force on an individual

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force on the customer after he was handcuffed and outside the business. The complainant admitted the customer resisted just after he was handcuffed. A witness stated the customer resisted and attacked the officer. The officer stated the customer was defiant, aggressive and non-cooperative. 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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DATE OF COMPLAINT: 10/04/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer was rude to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation and stated he had to continually repeat his question in order to clarify what the complainant was telling him while taking the complainant's report. Although there was a witness, the witness's statements about the event would seem to indicate the officers was having difficulty in obtaining the information needed from the complainant. The investigation could not conclude on the information given that the officer was being rude. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he called Dispatch numerous times and requested a unit come to his location to take a report. A review of Department Dispatch Records indicated for the sector the complainant was calling from there was a high volume of calls, but no dispatches to the area he said he was at. The evidence proved that the acts alleged in the complaint did not occur.

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DATE OF COMPLAINT: 09/16/05 **DATE OF COMPLETION:** 11/27/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a relative called 911 to report that someone had shot at the complainant's son in the doorway of a certain residence, yet no San Francisco Police Department officer responded to the residence or spoke to her relatives about the attempted murder. San Francisco Police Department and Emergency Communications Department records established that the relative reported only that she heard gunshots in the street, and did not report that anyone at her address had been the target. Records also showed that San Francisco Police Department units responded to the area and conducted a search for any persons involved. There was no failure by San Francisco Police Department to take required action, and their response was proper under the circumstances.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/22/05 **DATE OF COMPLETION:** 11/30/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately toward the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The member misused his authority.

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

FINDINGS OF FACT: The complainant alleged the officer “fixed tickets,” describing and alleged incident that occurred nine years ago. There were no witnesses. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: