

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/05 **DATE OF COMPLETION:** 12/28/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for making an illegal turn, when the complainant alleged he made no turn at all but, rather, honked to gain the officer's attention to which the officer took offense. The officer denied the allegation, stating that he viewed the complainant make an illegal turn, in violation of California Vehicle Code §22101(d). There were no witnesses to the traffic infraction. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that, when he questioned the officer's reasoning for citing him, the officer glared at him and threatened to cite him for further non-existent infractions. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he requested to know the officer's supervisor's name, and requested the supervisor be summoned to the scene, to which the officer refused to do. The officer denied the allegation, stating no such requests were made. There were no witnesses to this conversation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that, six days after his traffic citation stop, the officer approached his vehicle, wearing a threatening expression, and photographed his vehicle for unknown reason(s). The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that, eight days after his traffic citation stop, the officer again approached his vehicle and photographed his vehicle for unknown reason(s). 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:

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

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

FINDINGS OF FACT: The complainant stated that her boyfriend assaulted her and the police wanted to arrest him against her wishes. She demanded that she be arrested as well. Two officers stated that the complainant was screaming and uncooperative and they handcuffed the complainant for her own safety and officer safety. Two officers at the scene stated that the complainant was upset, belligerent and uncooperative with the officers. There were no other available witnesses. There was insufficient evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #3: The officers handcuffed the complainant too tightly.

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

FINDINGS OF FACT: The complainant stated that as a result of tight handcuffs, she sustained a cut and bruise to her left wrist, which were visible at the time of her Office of Citizen Complaints interview. The complainant also stated that her boyfriend assaulted her before the police arrived and she had blood streaming down her face. The officer stated that he double locked the handcuffs and that the complainant did not complain that the handcuffs were too tight. Five officers at the scene stated that they did not hear the complainant complain of tight handcuffs and did not see any injuries to the complainant's left wrist. Three of those officers saw blood on the complainant's hands and wrists. The complainant stated that she refused medical attention by responding paramedics. There were no other available witnesses. There was insufficient evidence to establish the level of restraint necessary to control the scene.

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

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

FINDINGS OF FACT: The complainant stated that she was waiting for a bus when two men approached in vehicle, gesturing and yelling at her. She stated that she did not know they were police officers, dropped her bus fare, and ran. The officers stated that the complainant was standing six feet from the curb in an area they wanted to park. They stated that they flashed their lights, honked the horn and asked her to move to the curb, to no avail. The officers stated that the complainant flung hard objects at their windshield and ran away. They stated that the complainant ignored their orders to stop, and resisted arrest. There were no available witnesses. There was insufficient evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that, when the officers grabbed her, she felt a sharp metal object cut her face and was punched once in the face. One officer stated that the complainant violently swung her arms, landing blows on both officers. He saw the second officer's head go down while grappling with the complainant. The second officer stated that the complainant grabbed the chain around his neck that held his badge and pulled and twisted it, choking him. He stated that he was forced to punch the complainant in the face to make her let go of the chain, which eventually broke. This officer stated that he used a bar arm grip to take the complainant to the sidewalk. He further stated that he and the first officer employed a Department-approved takedown technique to bring the complainant to the ground. There were no available witnesses. There was insufficient evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATIONS #2 and #3: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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SUMMARY OF ALLEGATION #4: The officer interfered with the rights of on-lookers.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #5: The officer failed to promptly and politely provide name and star number.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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SUMMARY OF ALLEGATIONS #6 and #7: The officers failed to prepare an accurate and complete report.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/02/05 **DATE OF COMPLETION:** 12/19/05 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/20/04 **DATE OF COMPLETION:** 12/07/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complaint 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 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 detained the complainant due to bias.

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 failed to provide his name and star number upon request.

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 failed to take required action.

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 #5: The officer made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #6: The officer failed to document the detention.

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 #1: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The officer stated, "I stopped the driver of a vehicle who was exhibiting 'road rage' and I felt that if I didn't stop the complainant, he would possibly endanger other drivers on the roadway." 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 behaved inappropriately toward the complainant.

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

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

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SUMMARY OF ALLEGATION #1: The San Francisco Police Department tows vehicles in violation of the law.

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department's policy of towing a car after its driver has been arrested for driving on a suspended license is unconstitutional in light of a recent appellate court decision. The appellate decision is fact-specific and narrow in its application. Current law allows the practice complained of.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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:

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SUMMARY OF ALLEGATION #1:

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

FINDINGS OF FACT: The complainant stated that his OCC 293 complaint form was completed to make a statement regarding a search and seizure matter to the community. The complainant stated that he does not want to file a complaint. The complainant stated that he would pursue the matter civilly and that he would contact an attorney. The complainant stated that he wish to withdraw his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers failed to follow the Department's pursuit policy.

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

FINDINGS OF FACT: The complainant stated that officers improperly continued a vehicle pursuit into another jurisdiction. Department General Order 5.05 states that when vehicle pursuits are continued into other jurisdictions, the Emergency Communications Division must notify the appropriate outside jurisdiction and request that they assume the primary role in the pursuit. According to the communications records, Dispatch timely notified both the California Highway Patrol and the Daly City Police Department. The Department's actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

Director
Emergency Communications Department
1011 Turk Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied detaining the complainant. Witness officers denied detaining the complainant. Other witnesses at the scene stated that they were detained along with the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3, 4 and 5: The officers detained the complainant's friends without justification.

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

FINDINGS OF FACT: The officers admitted to running queries on three of the individuals at the scene on the law enforcement database. A printout of the CAD documents that the queries were made. The department general orders equate a request for identification as evidence of a detention. The officers provided no legitimate law enforcement purpose for the running of the names from the database. The allegation against the officers is sustained.

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SUMMARY OF ALLEGATION #6: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The officers at the scene denied making or behaving in the alleged manner. The officers at the scene also denied hearing or witnessing the alleged comments or behavior. The investigation was unable to identify the alleged offending officer.

SUMMARY OF ALLEGATION #7: The officer made inappropriate comments and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The officer admitted to a version of the comments alleged by the complainant and other witnesses at the scene. The complainant and other witnesses provided consistently corroborative statements of comments made by the officer. The complainant and witnesses found the officers comments inappropriate and upsetting. By a preponderance of the evidence the officer's comments were harsh and uncivil in violation of the department general orders.

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SUMMARY OF ALLEGATION #8: The officer searched the complainant's car without justification.

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

FINDINGS OF FACT: The officers at the scene denied conducting a search of the complainant's vehicle. The officers at the scene also denied witnessing any officer conduct a search of the complainant's vehicle. The investigation was unable to identify the alleged offending officer. There is insufficient evidence to prove or disprove the allegation.

OCC ADDED ALLEGATION

SUMMARY OF ALLEGATION #1: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The officer denied that a detention took place. Other officers at the scene denied there was a detention. The complainant and his friends believed that they were being detained. The circumstances regarding the requirement that officer's prepare a Certificate of Release are specific in their application. There is inconclusive evidence as to whether or not the duty to prepare a Certificate of Release arose in this incident.

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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 named officers denied the allegations. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The named officers denied the allegations. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer threatened the complainant.

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

FINDINGS OF FACT: The named and witness officers denied the allegation. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The named officer stated he did not recall if he brandished a weapon. Court documents indicated that the named officer said he may have brandished a weapon. The witness officer stated in court documents that the named officer brandished a weapon, and supplied specific details of the action. There were no other witnesses. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #7: The officer misrepresented the truth.

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

FINDINGS OF FACT: The named officer stated that he had accurately presented different recollections, and had no intention of misrepresenting the truth. Court documents indicated that the officer gave differing statements during different proceedings in the same trial, and he again changed his statement during his OCC interview. The witness officer stated he did not recall if he took the action about which the named testified. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #8: The officer misrepresented the truth.

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

FINDINGS OF FACT: The named officer denied the allegation. The witness officer made differing statements about facts to which the named officer had testified. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9-10: The officers failed to take required action by accurately recording the prisoners carried in their patrol car.

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

FINDINGS OF FACT: The named officers denied the allegations. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that officers in his district were instructed by a superior officer to harass him. All identified officers were interviewed denied the allegation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers made a traffic stop without justification.

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

FINDINGS OF FACT: The complainant stated that he was pulled over while driving although he was breaking no laws. The officers denied that they pulled over the complainant. They stated that the complainant stopped his car on his own, and that they drove up behind him and asked him to move his vehicle to a safer position. There were no civilian witnesses to the stop. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that the officer gave preferential treatment to females of a certain ethnic background and specified certain disparities in treatment during the incident. The investigation produced evidence that one of the disparities cited by the complainant did not exist and that the reason for apparently favoring certain individuals was not clearly linked to their gender and ethnicity. It was not proven that information the complainant claimed to have about the individuals was information the officer had in his possession at that time. A similarly-situated individual of a different gender was also afforded the treatment considered by the complainant to be preferential. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer ordered entry of a residence without cause.

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

FINDINGS OF FACT: The officer stated that he ordered entry into the residence after someone inside refused to open the door because he was in hot pursuit of a fleeing subject. He further stated that tenants of the residence had search conditions allowing him to enter at any time. No civilian witnesses came forward to corroborate the pursuit. There was no evidence that the officer verified the tenant's search condition prior to entering. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF OCC-ADDED ALLEGATION #2: The officer ordered search of a residence without cause.

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

FINDINGS OF FACT: The officer stated that he ordered a protective sweep of the residence and then a probation search when a fleeing subject fled inside the house, a residence known to him by complaints and prior police calls to be a place where illegal drugs were used or sold. No civilian witnesses came forward to corroborate the officer's contact with any fleeing subject, and there was no evidence that the officer verified the tenant's search condition prior to the search. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #3: The officer ordered citations and arrests without cause.

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

FINDINGS OF FACT: The evidence established that the officer ordered a group of individuals to be cited for violation of a Health and Safety Code section without seeking or obtaining evidence necessary to establish that the elements of the crime had been committed. Department General Orders mandate that officers maintain a working knowledge of information necessary for proper performance of their duties, including knowledge of the elements necessary to charge individuals with a given crime. A preponderance of the evidence established that the officer lacked cause to cite the individuals, and the allegation is therefore sustained.

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SUMMARY OF ALLEGATION #1: The officer used force during a detention.

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

FINDINGS OF FACT: The complainant stated a Hispanic officer struck him twice in his chest with a fist. The officers denied the allegation stating that no force was used on the complainant. The officers stated there was no Hispanic officer at the scene. Department records do not show a Hispanic officer at the scene. A witness stated she did not see force used. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2-3: The officers failed to provide their names and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated he asked the officers at the scene for their names and star numbers but the officers refused. The officers denied the allegation stating that they provided their star numbers and names numerous times to the complainant. The witness stated the complainant did not request from the officers their names and star numbers. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers came to his residence and left without doing anything. The complainant stated he wanted assistance with disciplining his son. The officers stated they offered assistance to the complainant and his family in trying to resolve the conflict argument between the complainant and his family. The officers advised the complainant that they had no authority to tell his son, an adult, what to do. The officers' conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officer used excessive force during an arrest.

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

FINDINGS OF FACT: The complainant stated her husband was handcuffed, slammed to the ground, kicked in the head, neck, and chest area. The officer denied using excessive force. The officer stated the complainant's husband was resisting arrest and inflicted injury upon himself outside the sally port of the station. The complainant did not provide witness contact information as she said no one wants to come forward. There were no witnesses to the sally port incident.

SUMMARY OF ALLEGATIONS #2: The officer used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer was pushing and shoving her telling her to stand back. The officer denied the allegation. The complainant did not provide witness contact information as she said no one wants to come forward.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to have her evicted and told her she was lucky that he did not kick her ass. The officer denied the allegation. The complainant did not provide witness contact information as she said no one wants to come forward.

SUMMARY OF ALLEGATIONS #4: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated she went to the scene with a video camera. The officer said the complainant came out screaming with a camera 1-2 feet away from his face at the same time that he was dealing with her husband. The officer said he told the complainant to step on the sidewalk. The officer said the complainant was interfering with his arrest and continued to get close to him. The officer said he was concerned of a large crowd gathering and that the complainant would try to lynch her husband.

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SUMMARY OF ALLEGATIONS # 5: The officer failed to provide his identification upon request.

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

FINDINGS OF FACT: The complainant stated she did not know that the officer was a policeman because he was not in uniform; he had no badge, and was driving a gold Malibu. The complainant asked him to identify himself and he ignored her. The officer later returned to the scene and the complainant again asked for the officer's identification but he ignored her again. The officer stated he identified himself the first time at the scene. The officer said he did not identify himself the second time at the scene because he already had done so earlier. The DGO says an officer must identify himself upon request.

SUMMARY OF ALLEGATIONS #6: The officer failed to take required action.

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

FINDINGS OF FACT: Complainant stated that the officer's partner seemed decent but he never stopped the officer from using excessive force on her husband. The officer denied the allegation. The complainant did not provide witness contact information as she said no one wants to come forward.

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SUMMARY OF ALLEGATION #7: The officer entered and searched the complainant's home without cause.

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

FINDINGS OF FACT: The complainant said that the search was a pretext to obtain the video, to plant evidence, and to intimidate witnesses. The officers denied the allegation and had a search warrant signed by a judge. There are disputed facts about the real reason for the search-if it was mere pretext to get the videotape. The affidavit and statement of probable cause do not fully explain the evidence value/probable cause to seize the videotape. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer threatened to have her evicted. She believes he is carrying out his threat by doing the search and planting evidence. The officer denied the allegation. The officer stated he had nothing to do with the eviction, which is solely the Housing Authorities process. The officer stated the only thing they do is provide a copy of any incident that occurs in the housing project that warrants additional investigation. Each district has a liaison/housing officer who reviews reports and runs individuals to see if they are on parole and that would go to the housing office and the housing officer would make the determination whether to evict or not or to do anything and the same thing happens with Section 8 Housing. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9-10: The officers arrested the complainant's husband without cause.

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

FINDINGS OF FACT: The complainant believed her husband was arrested for no reason. The officers stated Harris was detained and then arrested due to the evidence that was found after the search. The arrest was pursuant to evidence found during the search, which remains questionable. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was placed at fault for the traffic accident for making an illegal u-turn within a business area. The complainant admitted he was making the u-turn. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer was rude to the complainant.

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

FINDINGS OF FACT: The complainant stated the officer was rude towards him at the scene. The officer stated he was calm and professional toward the complainant. The officer stated the complainant was agitated and upset. Witnesses stated the officers were professional and calm. Witnesses stated the complainant was upset and yelling after the accident.

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SUMMARY OF ALLEGATION #3: 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 interview all of the witnesses at the scene. The officer stated he interviewed the witnesses at the scene. The witnesses stated the officers at the scene interviewed them. The officer's action was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers detained him, asking him questions for no reason. The officers denied the allegation, stating they were instructed to detain the complainant by their superior officer, based upon the reasonable suspicion of criminal activity afoot. The officers' superior officer acknowledged instructing the officers to detain the complainant based on the reasonable suspicion that the complainant was involved in criminal activity. Under Department General Order 5.03 I. B., the officers had reasonable suspicion to detain the complainant, resulting in the officers' conduct being proper.

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

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

FINDINGS OF FACT: The officer is medically unavailable to participate in the investigation.

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

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

FINDINGS OF FACT: The complainant stated that the officers searched him without reason. The officers denied the allegation, stating they conducted a Terry frisk for reasons of officer safety. Under California case law, the officers must articulate a reasonable suspicion that the complainant was armed and endangered officer safety. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The officer is medically unavailable to participate in the investigation.

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

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

FINDINGS OF FACT: The officer is medically unavailable to participate in the investigation.

SUMMARY OF ALLEGATION #8-9: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers roughed him up and shoved him against the wall. The officers denied the allegation. There is insufficient evidence to 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he could not hear the officer's order. However he also admitted in his OCC interview that he was "about to get on his bicycle," and got "off" his bicycle, because "he had done that before" and had been admonished before for riding on the sidewalk. The complainant's admitted history of previous violations contradicted his statements. The action was proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments to him during his detention and arrest. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant. There were no witnesses.

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SUMMARY OF ALLEGATION #3: The officer displayed his service weapon without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating he drew his service weapon for officer safety purposes. He stated that as soon as he no longer perceived a threat, he reholstered his weapon. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #4-5: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the officers utilized unnecessary force while taking him into custody and at the station. The officers denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #6: The officer failed to provide the complainant with the *Miranda* admonishment.

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

FINDINGS OF FACT: The OCC finds that the complainant was not interrogated while he was in custody, hence no *Miranda* rights attached. The acts as alleged in the complaint did not occur.

SUMMARY OF ALLEGATIONS #7-8: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officers made taunting remarks to him at the station after he had been transported. The officers denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #9: The officer cited the complainant for 148 P.C. (a) (1)(resisting/delaying arrest) without cause.

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

FINDINGS OF FACT: The complainant denied delaying the officer's investigation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #10: The officer cited the complainant for 96 T.C. (bicycle riding restricted) without cause.

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

FINDINGS OF FACT: By his own admission, the complainant stated he "got off of his bicycle," and intended to walk his bicycle because he had been admonished in the past. The officer's conduct was proper.

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SUMMARY OF ALLEGATION #1: The officer used profanity to the complainant.

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

FINDINGS OF FACT: The officer denied using any profanity. Witness officers denied hearing any profanity used. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-5: The officers failed to identify themselves to the complainant as police officers.

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

FINDINGS OF FACT: The complainant stated that the plainclothes officers did not have badges visible and did not say they were police officers. The officers stated they were displaying their badges and did identify themselves. No civilian witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated that he saw the complainant drop a rock of suspected cocaine, and therefore placed him under arrest. He conducted a search in conjunction with the arrest. No civilian witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer placed the complainant into handcuffs without justification.

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

FINDINGS OF FACT: According to the complainant, the officer removed illegal drugs from his person. The officers stated that the complainant was arrested for possession of a controlled substance, and was handcuffed prior to being transported to the station for booking. Department regulations require that officers handcuff arrestees prior to placing them in a patrol car in these circumstances.

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

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

FINDINGS OF FACT: The officer stated that he struck the complainant, using department prescribed pain compliance techniques, to keep the complainant from resisting arrest when the complainant ignored his verbal commands. Witness officers corroborated the officer's account. The complainant denied that he was resisting. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9 The officers used unnecessary force while the complainant was in custody.

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

FINDINGS OF FACT: The complainant stated that officers he could not identify subjected him to physical force while he was in custody. The officers at the scene deny using unnecessary force while the complainant was in custody. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officer improperly searched the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer stripped him of his shoes, pants and jacket at the scene and inappropriately searched his person. The officer and witness officers denied that the officer removed any of the complainant's clothing, stating that the complainant kicked his own shoes off when resisting arrest, and that his pants, which were already riding very low on his body, were pulled down further by his actions. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant acknowledged that illegal drugs were found on his person. The officers stated that the complainant was arrested for possession of a controlled substance. The arrest of the complainant was, under the circumstances, proper and in accordance with the law.

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

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

FINDINGS OF FACT: The complainant, who was involved in a traffic collision, stated the officer insinuated that she was filing a false claim, the damage to her car looked old, and that she was only interested in getting money. The complainant also stated the officer told the other driver to tell his insurance company not to settle the claim. The officer denied the allegation. The other driver did not hear everything that was said between he complainant and officer. The other driver said the officer told him to report the accident to the insurance and let them deal with it. He did not recall the officer telling him to tell his insurance not to settle with the complainant. There were no other witnesses.

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

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

FINDINGS OF FACT: The complainant stated the officer did not ask if anyone was injured. The officer stated he asked if anyone was injured and the complainant said no just shaken. The witness does not recall if the officer asked if anyone was hurt or not. There were no other witnesses.

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SUMMARY OF ALLEGATION #:3: The officer failed to provide his proper identification upon request.

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

FINDINGS OF FACT: The complainant stated that she asked the officer for his name and star number and he displayed the star and name for her to read and did not verbally provide it to her. The officer stated he held his name and star plaque so that the complainant could write it down. The Department Orders do not specify the manner in which the name and star number must be provided, only that it be provided promptly and politely. The officer complied with the Department Policy, but the policy is vague.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force during a detention.

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

FINDINGS OF FACT: The named and several witness officers denied the allegation. Two witnesses stated they saw no force used, but they were not present for the entire incident. One other witness stated that he did not recall many details of the incident. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2, #3: The officers failed to provide medical attention to the complainant.

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

FINDINGS OF FACT: The named officers denied the allegation. While acknowledging the complainant was not treated, the named officers stated that the complainant did not want to go to the hospital and they had no duty to provide medical attention. The County Jail staff rejected the complainant for booking due to an injury. Medical records indicate the complainant had a broken hand. Several witnesses stated that the complainant was injured. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #4, #5: The officers failed to maintain safe custody of a prisoner.

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

FINDINGS OF FACT: The named officers denied the allegations, stating that the complainant was sober, and asked to be dropped off, so they complied with his wishes. The named officers acknowledged dropping the complainant almost three miles from his desired destination. Three witness officers and department records showed that the complainant said he was injured and dumped by the named officers in an unfamiliar area. Three witness officers said the complainant appeared to be injured and possibly intoxicated soon after he was dropped off. Three other witnesses stated the complainant was drinking for several hours and was intoxicated. 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 ALLEGATIONS #6, #7: The officers failed to provide required information and answer reasonable questions.

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

FINDINGS OF FACT: The named officers denied the allegations, stating that they answered questions and gave the complainant all required information. There were no witnesses who observed the entire incident. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8, #9, #10: The officers failed to provide names and star numbers.

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

FINDINGS OF FACT: The named officers said that when the complainant asked for their names and star numbers, they provided the information. Eight other officers who had contact with the complainant stated the complainant did not ask for their names or star numbers. There were no witnesses who were present for the entire incident. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer's demeanor was rude and profane.

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

FINDINGS OF FACT: The named officer acknowledged using profanity and raising her voice. One witness officer said the named officer used profanity and yelled at the complainant. One other witness heard the named officer using profanity. 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.

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SUMMARY OF ALLEGATION #12, #13: The officers failed to properly transport a prisoner.

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

FINDINGS OF FACT: The named officers acknowledged that they knew seatbelt use is required and that they did not put a seat belt on the prisoner while transporting him. They provided no reasons. 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 ALLEGATIONS #14: The officer wrote an inaccurate Incident Report.

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

FINDINGS OF FACT: The named and a witness officer denied the allegation. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC-ADDED ALLEGATIONS #1, #2: The officers failed to report the use of force.

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

FINDINGS OF FACT: The named officers denied the allegations, stating that they did not use reportable force during the detention of the complainant. Eight witness officers and three other witnesses denied seeing the named officers use force, but none of those witnesses was present for the entire incident. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF OCC-ADDED ALLEGATIONS #3, #4: The officers left their district without authorization.

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

FINDINGS OF FACT: The named officers acknowledged leaving their district without authorization. They gave no reasons for their actions. Three witness officers reported that the complainant was found almost three miles outside of the named officers' district. There were no other witnesses. 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.

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SUMMARY OF OCC-ADDED ALLEGATIONS #5, #6: The officers failed to maintain proper communications with dispatch.

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

FINDINGS OF FACT: The named officers acknowledged they failed, on several occasions, to maintain proper communications with dispatch. 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 OCC-ADDED ALLEGATION #7: The officer misrepresented the truth.

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

FINDINGS OF FACT: The named officer acknowledged that the Incident Report was written with his words, and acknowledged that he did not specify the location of where he dropped the complainant. He denied the allegation, stating that specificity was not required in all instances in reporting locations. Department training manuals indicate that specific language is called for. 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.

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SUMMARY OF OCC-ADDED ALLEGATIONS #8, #9: The officers failed to follow proper procedures for processing a 647(f) detention.

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

FINDINGS OF FACT: The named officers said they could not recall if they filled out the required paperwork for a detainee they booked on drunk in public charge under 647(f) of the Penal Code. The commanding officer of the district station at which the required document was to be filed stated that the required document did not exist on file. 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 ALLEGATIONS #10, #11: The officers failed to properly fill out the accurate time on the Certificate of Release.

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

FINDINGS OF FACT: One named officer said she did not know when the complainant was released. The other named officer acknowledged that he filled out the Certificate of Release several minutes before releasing the complainant and did not know what time the complainant was released. Neither officer reported to dispatch when they released the complainant, leaving no accurate record of the release time. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to conduct a proper investigation.

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

FINDINGS OF FACT: The officers denied the allegation, stating that the reportee “recanted” her statement of being raped by her husband. During its investigation, the Office of Citizen Complaints learned that the officers were notified prior to their arrival at the scene by the dispatcher that the reportee had reported being raped by her estranged husband, that he had entered the reportee’s house with a key during the nighttime, that he had kept her there all night, and that he was attempting to leave the scene in his car. The officers were also notified over their Mobile Video Terminals that the suspect threw away the reportee’s underwear. The officers also failed to fully investigate the reportee’s prior history of domestic violence and failed to develop witness information with regard to this domestic violence call. The allegation is sustained.

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

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

FINDINGS OF FACT: The officer failed to recognize the incident as one regarding domestic violence, even though the incident was one of physical abuse between an estranged husband and wife, clearly within the definition of the General Order 6.09. The officer also failed to route the case to an appropriate bureau for follow-up, failed to properly physically describe the suspect, and failed to acquire the suspect’s current address, instead providing the reportee’s address as his, even though an Emergency Protective Order was issued on her behalf, barring him from approaching the reportee’s house. The officer made numerous assumptions and errors in the narrative form of his report, reflecting his neglect of duty to properly investigate and his failure to recognize that the incident was one of domestic violence. The allegation is sustained.

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

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

FINDINGS OF FACT: The officers interviewed the complaining witness after her estranged husband raped her. The complaining witness recounted to the complainant how the named officers made inappropriate comments with regard to her relationship to her estranged husband. The complainant in turn recounted these comments to the OCC in her complaint. The OCC interviewed the complaining witness in order to verify what the officers allegedly stated to her. The complaining witness recalled what was stated to her by the officers, but was unable to specifically identify which officer made inappropriate remarks to her. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF OCC ADDED ALLEGATIONS #1: The officer engaged in negligent supervision.

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

FINDINGS OF FACT: The officer failed to recognize the incident as one of domestic violence, and failed to set an example of leadership and performance for the sector officer he directly supervised. His performance lacked in the method he dealt with actual and potential witnesses, his failure to seek physical evidence, and his approach to the actual crime scene. The officer also left the scene prematurely, to the detriment of the investigation. The officer's supervisory neglect also extended to a flawed review of his supervisee's incident report, for which he was the sergeant and acting lieutenant in charge of watch. The officer stated in his OCC interview that he had read it for accuracy and completeness. The officer specifically stated in his interview that if there had been something to add to the report, he would have told his supervisee to add it to the report. However, the report contained numerous factual and clerical errors that were not harmless errors. The report contained multiple omissions of facts that when read, would clearly put the reader on notice that crucial information was missing from the report. The OCC added allegation is sustained.

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

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer made comments to the complainant during the release of property, which any reasonable person would construe, as inappropriate.

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

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

FINDINGS OF FACT: The officer gave contradictory statements and a faulty legal basis to hold the complainant's pair of gloves as evidence in the robbery detail. The preponderance of the evidence established that the officer failed to properly process the complainant's property.

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

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

FINDINGS OF FACT: The complainants alleged that the officer made comments that were inappropriate, telling one of them that she didn't want to hear from her since she was not a witness, responding bluntly to their request that she arrest another individual, and telling one complainant he would be taken to jail if he did not sign a citation. The officer explained her reasons for making the comments, denying that they were inappropriate in the context in which they were made. There was insufficient evidence to establish, by preponderance, the propriety of the comments and their context.

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

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

FINDINGS OF FACT: The complainants alleged that the officer told them she had interviewed either a witness (or witnesses) when she had not, and that a witness had confirmed the story of another individual, who said two of the complainants assaulted him, when she had not confirmed the story. The officer denied the allegation. The written statement given to the officer by the witness indicated that the witness did not see the beginning of the altercation, although she later told the OCC that she had seen it. However, the witness also provided inaccurate information that contradicted facts acknowledged by the complainants, challenging the reliability of her testimony. There was insufficient corroboration to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants alleged that the officer failed to interview witnesses or take their statements before concluding they were the aggressors in an altercation. The officer denied the allegation and stated that she spoke to all parties before citing, that she had a statement from one witness and made attempts to locate others who might have witnessed the incident. A witness who gave a written statement to the officer contradicted herself and that statement when she spoke to the OCC and also contradicted facts supplied by the complainants. The witness corroborated the officer's assertion that she had asked about other possible witnesses and said none were there at the time. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to receive a Citizen's Arrest.

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

FINDINGS OF FACT: The complainants stated that the officer refused to arrest an individual, but that she arrested two of them. The officer acknowledged that she refused to accept the arrest but stated that her investigation failed to establish required probable cause for arresting the individual. Department regulations prohibit accepting a citizen's arrest without probable cause. Whether the officer made sufficient search for cause or was justified in determining it did not exist remains in dispute. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officers issued citations without cause.

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

FINDINGS OF FACT: Whether or not the officer adequately investigated the incident or established sufficient evidence to cite the complainants remains in dispute. The complainants denied that the officer took their statements. The officer stated that she heard from both complainants, the other party to the fight, and a witness, before issuing the citations. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7-8: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainants stated that the officer favored another individual because he was related to an SFPD officer. The officers denied they were influenced or gave preferential treatment because of any connection between SFPD and the individual. The SFPD officer related to the individual stated that it took him many minutes to get to the scene and that the officers he spoke to had already investigated and reached their conclusions before he arrived. The other individual, party to the fight for which two complainants were cited, stated that he showed his relative's SFPD business card to the complainants before his relative came to the scene. There was no evidence to prove or disprove the effect knowledge of the relationship had on the officers' decision.

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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 the officers did not abate and issue a citation for a noise complaint. The officers stated they met with the complainant and further investigated the noise complaint. The officers stated they went to the neighbor's apartment and knocked on the door, but no one responded from within the residence. The officers stated they did not hear any noise from the residence. Records show the initial call and response at the scene was before 10pm., the threshold for enforcement of MPC 49. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he called the Noise Abatement Department and did not receive a return call. The complainant stated he met with the officer and was advised that Noise Abatement handled only commercial noise complaints. The officer advised the complainant his department handles chronic noise complaints and the field officers are to handle general noise complaints. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

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

The Emergency Communications Department (ECD)
1011 Turk Street
San Francisco, CA 94115
(415) 575-0737

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer honked his horn at him and his companion asking him why he "blurred" at him, referring to the patrol car's horn. The complainant stated that he found this conduct inappropriate and rude. The officer denied the allegation. The Office of Citizen Complaints attempted to interview the witnesses, to no avail. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #2-4: The officers' behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated that once he was placed in handcuffs after a struggle with officers, he asked members of the crowd that had gathered whether they had seen what happened. The complainant alleged that some observers replied they had seen what happened. The complainant stated he then shouted out his name and his phone number. When the complainant did so, he alleged that the responding officers ordered him to "shut up." The officers denied the allegation. The Office of Citizen Complaints attempted to interview the witnesses, to no avail. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATIONS #5-6: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officers had no probable cause to detain or arrest him for crossing the roadway. The complainant admitted in his OCC interview that he was in the roadway. The officers had the right to detain and arrest the complainant for his infraction as a pedestrian in the roadway.

SUMMARY OF ALLEGATIONS #7-8: The officers arrested the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officers had no probable cause to detain or arrest him for resisting arrest and delaying a police investigation. The officers denied the allegation. The Office of Citizen Complaints attempted to interview the witnesses, to no avail. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #9: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The officer denied the allegation, stating that the complainant was walking in the roadway. Although the witnesses did not respond to the Office of Citizen Complaints requests for interviews, the complainant admitted walking in the roadway. The citation for pedestrian in the roadway was proper.

SUMMARY OF ALLEGATION #10: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer called him a profane and derogatory name. The officer denied the allegation. The Office of Citizen Complaints attempted to interview the witnesses, to no avail. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #11: The officer uttered a racial slur.

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

FINDINGS OF FACT: The complainant stated that the named officer called him a racially derogatory slur while he was held at a local police station. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #12-13: The officers used unnecessary force (baton strikes).

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary force, to wit, they repeatedly struck him with their batons without justification. The officers denied the allegation, stating that the incident first began when they attempted to verbally gain the complainant's attention, asking him to move out of the middle of a street, but the complainant allegedly ignored their repeated orders to comply. When the named officers repeatedly ordered the complainant to produce his identification, the complainant allegedly refused to produce it. The officers then attempted to arrest the complainant. According to the named officers, the complainant allegedly resisted arrest. The Office of Citizen Complaints attempted to interview the witnesses, to no avail. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #14: The officer used unnecessary force (use of chemical agent).

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

FINDINGS OF FACT: The complainant alleged the officer used unnecessary force, to wit, that he sprayed him with Oleoresin Capsicum (O.C.) spray without justification. The officer denied the allegation, stating that the complainant failed to follow his repeated verbal commands. The officer also stated that he had attempted to utilize physical control and his baton, but was unable to accomplish custody because the complainant allegedly resisted arrest. The Office of Citizen Complaints attempted to interview the witnesses, to no avail. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: According to the complainant, the officer stopped and cited him for no apparent reason. The named officer stated that he cited the complainant for violation of airport parking regulations. Video recording from the airport surveillance camera that captured this contact supported the officer's statement and showed the complainant's vehicle parked in the no-parking zone.

SUMMARY OF ALLEGATION #2: The officer harassed the complainant due to bias.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. The evidence obtained by the Office of Citizen Complaints was insufficient to prove or disprove the allegation.

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #4: The officer entered and searched the complainant's residence 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 #5: The officer intentionally damaged the complainant's property.

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

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

SUMMARY OF ALLEGATION #6: The officer detained 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 #7: The officer 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 #8: The officer failed to properly process property and cash.

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

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

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DATE OF COMPLAINT: 03/01/05 **DATE OF COMPLETION:** 12/07/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department's procedure regarding notification and fees placed on recovered stolen or lost vehicles is improper.

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

FINDINGS OF FACT: The complainant writes in a letter of complaint that he was charged for tow and storage fees when the police recovered his stolen vehicle. He protests this policy. Section 10652.5 of the California Vehicle Code allows for these fees to be charged. An examination of the SFPD Incident Report written for this case shows that the complainant signed a form, attached to the Incident Report, notifying him, and thus acknowledging that recovered vehicle fees are his responsibility. The car was towed, as permitted by Department General Orders, because the car was damaged and not drivable. The Department's actions in this case were authorized by California law Department policy, and thus are proper conduct on their face.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer pulled him over for defective brake lights, but that his brake lights were operable and witnesses saw they were operating. The witnesses stated they saw the brake lights working. The officer stated he effected a traffic stop after observing that two of the four brake lights were out. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation for defective brake lights and driving with a suspended driver's license. The complainant stated his vehicle's rear brake lights were operable. The complainant stated he was driving under a restricted driver's license allowing him to go to and from work in a motor vehicle. The officer stated he issued the complainant a citation because he observed that two of the four brake lights were out. The officer stated he ran the complainant's driver's license, which came back suspended. SFPD records indicated the officer was informed that the complainant's driver's license was suspended and had a restriction to only drive his employer's vehicle and not his own during the course of employment.

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SUMMARY OF ALLEGATION #3: The officer misrepresented the truth and made an inappropriate remark.

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

FINDINGS OF FACT: The complainant stated the officer told him his vehicle's rear brake lights were out. The complainant stated his vehicle's rear brake lights were operable. The officer stated he witnessed the complainant's rear brake lights were partially out. The witnesses stated they saw the rear brake lights on the complainant's vehicle were functioning after the traffic stop, but did not specify the number of bulbs that were operable. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer had his vehicle towed because of his suspended driver's license. The complainant stated he had a restriction on his driver's license that allowed him to drive to and from his work. The officer stated he towed the complainant's vehicle because the complainant was driving under a suspended driver's license. SFPD records available to the officer indicated the complainant had an active suspended driver's license with a restriction to drive the employer's vehicle in the course of employment only.

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

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

FINDINGS OF FACT: The complainant alleged that the officer singled him out for violations he had not personally committed. California law requires that the vehicle the complainant drove be registered within the state of California with a fixed period of time. Research performed by the Office of Citizen Complaints found that the vehicle had been out of compliance for a period of time in excess of the statutory limit. The tow was proper.

SUMMARY OF ALLEGATION #2: The officer harassed the complainant due to bias.

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

FINDINGS OF FACT: The complainant alleged that he was the victim of racial profiling. The Office of Citizen Complaints attempted to canvass for witnesses in the street area pointed out by the complainant, to no avail. The officer denied the allegation, stating that the vehicles out of state plate and expired registration tabs drew his attention. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: There was no evidence in either the officer's CAD printout or in the CAD audio that the officer sought supervisory approval for the administrative tow. Moreover, since there was no requirement for an Incident Report due to the tow's administrative nature, there was no written means to verify department supervisory approval of this tow. The Office of Citizen Complaints reviewed the evidence with the named officer and explained the OCC added allegation. The officer explained that he asked for and received supervisor approval of the vehicle tow from his supervisor from a department issued mobile telephone, which also functions as a walkie-talkie. There was no independent means to prove or disprove the OCC added allegation.

SUMMARY OF OCC ADDED ALLEGATION #

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer stated that the complainant was detained/arrested when he acknowledged that he possessed a controlled substance on his person, and a search confirmed the fact. The complainant stated he was directed to get out of a vehicle prior to admitting he was carrying the controlled substance. An independent witness provided contradictory testimony and stated he was unable to hear much of the conversation between officers and the complainant. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-4: The officers detained the complainant's friends without justification.

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

FINDINGS OF FACT: The officers stated that they had the driver of a car in which the complainant, a parolee, had been in possession of narcotics, step outside so that they could search the vehicle to see if there were other drugs inside. The officers stated that they detained/arrested another individual when he and the complainant were seen making eye contact and looking at the ground where the complainant was attempting to conceal a container of drugs under his foot. The complainant denied that he and the individual made eye contact or had anything to do with the container of illegal drugs. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer searched the vehicle without justification.

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

FINDINGS OF FACT: The complainant acknowledged he had been seated in a vehicle when approached by the officers, and that he had a controlled substance on his person. When a search of the complainant confirmed his possession of a controlled substance, the officer became entitled to search the interior of the vehicle for further drugs.

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

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

FINDINGS OF FACT: The complainant acknowledged that he was in possession of a controlled substance and that he was on active parole. The officer was entitled to conduct a search of the complainant's person under the circumstances and in conjunction with his arrest.

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SUMMARY OF ALLEGATION #7: The officer searched the complainant's friends without cause.

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

FINDINGS OF FACT: The officers at the scene stated they did not recall whether the driver of the car had been searched or who searched him. They stated they did not recall which of them searched another individual prior to his arrest. The complainant stated that the other individual was arrested falsely, had no search condition, and should not have been searched. There was insufficient evidence to prove or disprove the allegation or establish the identity of the officers.

SUMMARY OF ALLEGATION #8: The officer falsely charged the complainant.

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

FINDINGS OF FACT: The complainant stated he was falsely charged with being a member of a criminal gang although he had not been a member for three years. He stated that he was falsely charged with possession of rock cocaine for sale, though none was found on his person. The officer stated that he knew the complainant to have gang affiliations, and that a member of the San Francisco Police Department Gang Task Force had approved the charge. The officer further stated that he found the cocaine on the ground at the complainant's feet and observed the complainant attempt to conceal it. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant acknowledged that he told the officer he had marijuana on his person, and that the officer recovered marijuana from his pocket. The officer stated that he found substances that tested for marijuana and for methamphetamines on the complainant's person, and that another officer recovered a container of crack cocaine on the ground at the complainant's feet. Under the circumstances, the officer was entitled to arrest the complainant because of the illegal drugs found in his possession.

SUMMARY OF ALLEGATION #10: The officer arrested the complainant's friend without cause.

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

FINDINGS OF FACT: The complainant stated that the officer arrested his friend because he claimed to have observed the friend and the complainant make eye contact, then look down at a container of drugs the complainant tried to conceal with his foot. The complainant said that the other individual was behind him and they could not possibly have made eye contact or looked at anything on the ground at the same time. The other individual failed to come forward. The driver of the vehicle said he could not see what was taking place. The other officers at the scene also stated they were not in position to observe what took place. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer took him into a room by himself at the station and asked him to tell him the location of guns about which he knew nothing. The officer denied the allegation and stated that he would not have sought information from an individual on parole. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer who took him into a room by himself at the station and asked him to tell the location of guns told the complainant if he did not give up the information, he would not leave the station but would go to jail. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/04/05 **DATE OF COMPLETION:** 12/29/05 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #13: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that the officer wrote in his report that the complainant was a member of a criminal gang, and that this was false because the complainant had not been a member for three years. He further alleged that the officer falsely wrote that he had observed the complainant and another individual make eye contact and look down at the ground at a container of drugs the complainant tried to conceal with his foot, and that this did not happen. The officer stated that his information, confirmed by the San Francisco Police Department Gang Task Force, was that the complainant was a gang member. The officer stated that he did observe the activity he described in his report. There were no witnesses to that activity. The other individual failed to come forward. The officer stated he believed he was entering correct information regarding the complainant's gang association and took steps to verify his information. There was 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: 04/16/05 **DATE OF COMPLETION:** 12/07/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The officer denied the allegation. No independent witness came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she was involved in a two-car collision with no injuries. The complainant stated that the named officer failed to properly investigate the incident when providing the other motorists information. The complainant stated that the officer provided her with the other motorists name, address, phone number and insurance company name. However the other motorists telephone number was disconnected and the identified insurance carrier could not find the other motorists information. The complainant felt that officer should have corroborated the information before providing the information to her. The officer stated that he facilitated the exchange of information. Department General Order 9.02 H states in part, that it is department policy not to investigate a non-injury accident. If the citizen insists on a report that officer is to facilitate the exchange of information. Both the complainant and the officer stated that information was exchanged. The officer has no duty to substantiate or confirm the information pursuant to the Department General Orders. The evidence proved that the alleged conduct was proper, lawful and within Department policy.

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DATE OF COMPLAINT: 04/29/05 **DATE OF COMPLETION:** 12/06/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer's behavior and comments were inappropriate under the circumstances.

SUMMARY OF ALLEGATION #2:The officer used profanity.

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

FINDINGS OF FACT: The officer admitted to the use of profane language during this incident.

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DATE OF COMPLAINT: 05/02/05 **DATE OF COMPLETION:** 12/23/05 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1: The officer used excessive force during the detention.

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

FINDINGS OF FACT: The complainant stated that excessive force was used by an unidentified officer. All officers questioned denied having contact with the complainant and his brother. The complainant's brother and another passenger in the vehicle did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to name any officer in particular. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was detained by an unidentified officer. All officers questioned denied having contact with the complainant and his brother. The complainant's brother and another passenger in the vehicle did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to name any officer in particular. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/02/05 **DATE OF COMPLETION:** 12/23/05 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3: The officer detained the complainant's brother without justification.

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

FINDINGS OF FACT: The complainant stated that his brother was detained by another unidentified officer. All officers questioned denied having contact with the complainant and his brother. The complainant's brother and another passenger in the vehicle did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to name any officer in particular. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4: The officer failed to inform the complainant of his arrest charge.

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

FINDINGS OF FACT: The complainant stated that his detaining officer ignored his request to know his arrest charge. All officers questioned denied having contact with the complainant and his brother. The complainant's brother and another passenger in the vehicle did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to name any officer in particular.

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SUMMARY OF ALLEGATIONS #5: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant stated that both detaining officers ignored their requests to have their names and star numbers. All officers questioned denied having contact with the complainant and his brother. The complainant's brother and another passenger in the vehicle did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to name any officer in particular. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6: The officers handcuffed the complainant and his brother without justification.

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

FINDINGS OF FACT: The complainant stated that the two unidentified officers who detained them handcuffed them without justification. All officers questioned denied having contact with the complainant and his brother. The complainant's brother and another passenger in the vehicle did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to name any officer in particular. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/02/05 **DATE OF COMPLETION:** 12/23/05 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officers failed to issue Certificates of Release.

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

FINDINGS OF FACT: The complainant stated that two unidentified officers detained him and his brother in handcuffs inside a vehicle, and moved them a significant distance away from their vehicle without issuing them certificates of release. All officers questioned denied having contact with the complainant and his brother. The complainant's brother and another passenger in the vehicle did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to name any officer in particular. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officers transported the complainant and his brother without justification.

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

FINDINGS OF FACT: The complainant stated that two unidentified officers detained him and his brother in handcuffs inside a vehicle, and transported them a significant distance away from their vehicle without justification. All officers questioned denied having contact with the complainant and his brother. The complainant's brother and another passenger in the vehicle did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to name any officer in particular.

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DATE OF COMPLAINT: 05/09/05 **DATE OF COMPLETION:** 12/29/05 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant, a taxi driver, stated the officers did not interview him at the scene. The officers stated the complainant was interviewed. A witness stated he saw the officer talking to the complainant. The officer wrote on the citation that the complainant made a statement about the facts of the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3: The officer recorded inaccurate information on the citation.

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

FINDINGS OF FACT: The officer recorded a statement on the administrative citation that was attributed to the party engaged in a verbal altercation with the complainant. The party to the contact, a witness provided a subsequent written statement excluding the initial statement which was inconsistent. Hence based upon the inconsistent statement there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3: The officer failed to identify herself to the complainant.

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

FINDINGS OF FACT: The complainant stated the officer did not provide her star number upon request. The complainant stated the officer covered her star number. The officer stated she provided her star number to the complainant. The witnesses left the scene soon after the officers interviewed them. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #4: The officer made inappropriate remarks.

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

FINDINGS OF FACT: The complainant stated the officer told her she can do whatever she wants to. The officer stated she did not make an inappropriate comment. There were no witnesses present at the time of the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #5: The officer practiced selective enforcement.

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

FINDINGS OF FACT: The complainant stated he felt the officer was prejudiced against cab drivers. The officer stated she was not practicing selective enforcement against cab drivers. The officer stated she responded to a call about a fight with no weapons reported by the complainant. The witnesses stated the complainant was upset with them. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS # 6: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated he should not have been cited regarding the incident. The officer stated she interviewed the witnesses and the complainant was issued an administrative citation because he violated a taxi regulation. The witnesses stated the complainant refused to provide them with service, a violation of a taxi regulation. The officer properly issued an administrative citation.

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DATE OF COMPLAINT: 05/17/05 **DATE OF COMPLETION:** 12/28/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation and there were no known 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 failed to properly investigate.

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

FINDINGS OF FACT: The officer stated that he and his commanding officer personally requested a written statement from the complainant, who refused to cooperate. The officer presented the case to a deputy district attorney for review, which was declined for lack of corroborating evidence and no known independent witnesses. The actions of the officer were lawful and proper.

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DATE OF COMPLAINT: 05/17/05 **DATE OF COMPLETION:** 12/28/05 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The officer and his partner denied the allegation, and both stated that two witnesses on scene denied the representations made by the complainant of a threat by the suspect. These witnesses or their observations were not included in the incident report, and their identities were not provided either to the OCC to ascertain the accuracy of the report. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/25/05 **DATE OF COMPLETION:** 12/21/05 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that he was standing by a parking meter without any involvement in criminal activity. The officers stated that they suspected the complainant was involved in the illegal peddling of second hand and stolen goods on the sidewalk at U.N. Plaza. The officers stated that they detained the complainant for investigation when he walked away from items for sale on a blanket on the sidewalk. There were no witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profane language.

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

FINDINGS OF FACT: The complainant did not respond to Office of Citizen Complaints to make a positive identification of the officer in question and there is insufficient evidence to determine which of the two detaining officers allegedly used profane language. The officer and his partner denied the allegation. There were no witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/25/05 **DATE OF COMPLETION:** 12/21/05 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #4: The officer made sexually derogatory comments.

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

FINDINGS OF FACT: The complainant did not respond to Office of Citizen Complaints to make a positive identification of the officer in question and there is insufficient evidence to determine which of the two detaining officers allegedly made the sexually derogatory comments. The officer and his partner denied the allegation. There were no witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated that he conducted a pat search on the complainant, because he was going to have him sit in the back seat of the patrol car so he could talk to him without interference from the people loitering in the Plaza. The officer's partner could not recall the pat search, but corroborated the attempts to interfere by numerous bystanders. There were no witnesses who could verify or deny the rationale of the search. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer failed to comply with DGO 5.15

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

FINDINGS OF FACT: The complainant stated that the officer who drove the vehicle questioned him about his nationality during the person query. The officer and his partner denied the allegation. There were no witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant did not respond to Office of Citizen Complaints to make a positive identification of the officer in question and there is insufficient evidence to determine which of the two detaining officers allegedly made the racially derogatory remarks. The officer and his partner denied the allegation. There were no witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/25/05 **DATE OF COMPLETION:** 12/21/05 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #8: The officer failed to promptly receive a citizen's complaint.

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

FINDINGS OF FACT: The complainant stated that he called an unidentified police station immediately after he was released to report a complaint, and an unidentified female Spanish-speaking officer promised to send a Spanish-speaking unit to the scene rather than receive his complaint. There was incomplete and unsubstantiated information about the station or officer contacted to name or question any particular officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: .

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DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 12/23/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers detained the complainant for an involuntary psychiatric evaluation without justification.

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

FINDINGS OF FACT: The preponderance of the evidence established that the complainant was acting in a threatening manner and multiple witnesses on scene corroborated that he represented a danger to others. Therefore, the officers acted lawfully and properly when they detained the complainant under Section 5150 of the Welfare & Institutions Code for a psychiatric evaluation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/08/05 **DATE OF COMPLETION:** 12/07/05 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION # 1: The officer made sexually derogatory remarks.

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for an interview to provide essential information to further the investigation.

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for an interview to provide essential information to further the investigation.

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DATE OF COMPLAINT: 06/08/05 **DATE OF COMPLETION:** 12/07/05 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3: The officer failed to provide Miranda rights.

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for an interview to provide essential information to further the investigation.

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

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for an interview to provide essential information to further the investigation.

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SUMMARY OF ALLEGATION #5: The officer conducted an improper pat search of the female complainant.

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for an interview to provide essential information to further the investigation.

SUMMARY OF ALLEGATION #6-7: The officers used inappropriate comments and behavior.

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

FINDINGS OF FACT: The complainant failed to respond to OCC requests for an interview to provide essential information to further the investigation.

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DATE OF COMPLAINT: 06/24/05 **DATE OF COMPLETION:** 12/07/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer allegedly spoke and behaved inappropriately.

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

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

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

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

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

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DATE OF COMPLAINT: 07/01/05 **DATE OF COMPLETION:** 12/07/05 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATION #1: The officer allegedly behaved and spoke inappropriately.

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

FINDINGS OF FACT: The officer denied the allegation. No witnesses exist who saw and heard the entire contact. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Probable cause to issue the citation exists, per the complainant's statement to the O.C.C. During his Office of Citizen Complaints interview, the complainant stated that he did not stop for the stop sign so much as stop to avoid hitting a woman driving in front of him. He states that when the woman in front of him drove off, he did not stop again for the stop sign, but also drove off at the same time she did. The officer had cause to issue the stop sign citation, as complainant did not stop for the stop sign after the woman in front of him drove off.

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DATE OF COMPLAINT: 07/05/05 **DATE OF COMPLETION:** 12/23/05 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer allegedly spoke and behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/12/05 **DATE OF COMPLETION:** 12/28/05 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer allegedly spoke and behaved inappropriately.

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

FINDINGS OF FACT: The officer denied the allegation. The witness was unable to give corroborating facts regarding the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer is retired and is not within the jurisdiction of the office of citizen complaints.

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SUMMARY OF ALLEGATION #3: The officer allegedly failed to take a police report.

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

FINDINGS OF FACT: The officer stated in MRF he was willing to write a report after questioning them, but complainant and witness did not give him the information to write one. Both complainant and witness say the officer was willing to write a report after questioning them, but they refused to give him specific information to write one. The officer acted appropriately, and wanted to write the report, but the complainant did not give him the information to do so; for this the officer should not be disciplined.

SUMMARY OF ALLEGATION #4: The officer allegedly refused to take an O.C.C. complaint.

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

FINDINGS OF FACT: The officer is retired and not within the jurisdiction of the office of citizen complaints.

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

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

FINDINGS OF FACT: The complainant was detained when he brought his dog inside an airport terminal food court. Airport rules and regulations prohibit dogs (other than service dogs and dogs contained in kennels) inside airport terminals. The officer stated that he detained the complainant to advise him of these rules. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer threatened to jail the complainant and impound the complainant's dog. A witness stated that she heard the complainant tell the officer that he could leave, and that the officer told the complainant that he could be taken to jail. This witness did not hear the officer tell the complainant that his dog would be impounded. The officer stated that, when the complainant learned he was going to be cited, he tried to leave. The officer stated that he properly admonished the complainant that if he did not sign the citation, he would be taken to jail and his dog would be put in safekeeping in a kennel. There were no other available witnesses. There was no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 07/14/05 **DATE OF COMPLETION:** 12/23/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer yelled at him and gave him contradictory commands to both stay and to leave the scene. The officer stated that the complainant refused the officers' initial orders to leave, was argumentative, and repeatedly asked to be shown signs prohibiting dogs in the airport. A witness officer at the scene stated that the complainant challenged the officer's orders, questioned the airport rules and demanded to be shown signs prohibiting dogs. The witness officer further stated that the named officer raised his voice in an attempt to get the complainant to leave the terminal. Another witness stated that the officer yelled at the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was cited for bringing his dog inside an airport terminal food court. Airport rules and regulations prohibit dogs (other than service dogs and dogs contained in kennels) inside airport terminals. The officer properly cited the complainant for violating airport rules and regulations. The officer's conduct was proper.

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to summon a female officer to conduct a pat search

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that officers did not summon a female officer to conduct a pat search. All officers denied conducting a pat search on any female in the vehicle. No independent witnesses came forward during the investigation. Department regulations and policy permit officers to conduct a cursory pat search of a female and male officers are not required to summon female officers to the scene of a detention. However, in this contact, all officers denied hearing any female request a female officer and the officers denied pat searching any female. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-6:The officers used unnecessary force.

CATEGORY OF CONDUCT: UF

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that the officers used unnecessary and excessive force when the officers extracted the complainant from the vehicle and one officer pulled a female passenger by her hair. One passenger stated that the officers did take the complainant from the vehicle after they asked the complainant to exit the vehicle and the complainant did not comply. The officers stated that they pulled the complainant from the vehicle and placed him on the ground after the complainant refused to comply with their repeated requests to exit the vehicle. All officers denied pulling any female by the hair. No other witnesses came forward or corroborated the allegation. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-9: The officers used profanity.

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

FINDINGS OF FACT: The officers denied the allegation. One witness stated she heard profanity but could not identify the officer using the profanity. No other witness came forward during the investigation. There were no independent witnesses to this incident. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATIONS #10-12: The officers made rude comments.

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

FINDINGS OF FACT: The complainant stated that the officers made rude comments. All officers denied the allegation. There were no independent witnesses to this contact. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #13-15: The officers made inappropriate comments and acted inappropriately

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

FINDINGS OF FACT: The officers denied the allegation. There were no independent witnesses to the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #16-18: The officer failed to inform the complainant of the reason for the detention

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

FINDINGS OF FACT: The officers denied the allegation and stated that the complainant and the passengers were informed of the reason for the traffic stop. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #19-21: The officers made sexually derogatory comments cause.

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

FINDINGS OF FACT: The officers denied the allegation. There were no independent witnesses to the contact. One passenger said an officer used a sexual slur but the officer was not identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #22-23: The officers drew their firearms without justification.

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

FINDINGS OF FACT: The officers denied the allegation. There were no independent witnesses to the contact. No other witness corroborated this allegation. There is insufficient evidence to prove or disprove the allegation

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SUMMARY OF ALLEGATIONS #24-25: The officers searched the vehicle beyond the scope of their authority.

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

FINDINGS OF FACT: The complainant stated that the officers searched his vehicle without justification. The complainant also stated that he told the officers they could look in the trunk of his vehicle. The officers stated that the complainant gave them permission to search the entire vehicle. There were no independent witnesses to the contact. The evidence showed that one passenger in the vehicle was on probation with a search condition and the officers stated they did search the area under the probationer's control. The officers also stated that they were able to search the vehicle not only because they had the owner/complainant's consent, but also that the search was a search subsequent to the complainant's arrest. No other witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #26-27: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The officer stated that they had the right to search the complainant since the complaint was placed under arrest. The officers were not certain who searched the complainant or if the complainant was searched. There were no independent witnesses to this contact. No other witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #28-29: The officers searched a passenger without cause.

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

FINDINGS OF FACT: The officers denied that they searched the female. There were no independent witnesses to this contact. No other witnesses came forward during the investigation. There is insufficient evidence to prove or disprove this allegation.

SUMMARY OF ALLEGATION #30: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The officer stated that he made a traffic stop and detained the complainant because the complainant's vehicle did not have a rear license plate. Further the officer stated that when the complainant drove by him, the complainant was slumped down in the driver's seat and was driving in an unsafe manner and in a position where the driver could not be seen. The complainant stated that he was driving with the seat down but stated that he was driving in a safe manner. Other officers stated that the complainant was driving in an unsafe manner and that there was no rear license plate. There were no independent witnesses. No other witnesses came forward during the investigation.

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SUMMARY OF ALLEGATION #31: The officer cited the complainant for 148 PC without cause.

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

FINDINGS OF FACT: The officer and witness officers stated that the complainant would not comply with their directions, was delaying the investigation and resisted their efforts to arrest him. The complainant stated that he did not resist, delay or interfere with the officers. One witness stated that the complainant did not comply with the officer's one request to exit the vehicle. There were no independent witnesses to the contact. No other witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #32: The officer cited the complainant for no proof of insurance.

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

FINDINGS OF FACT: The evidence showed that the complainant did not provide the required documentation in compliance with state law requiring all vehicle drivers to carry proof of insurance.

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SUMMARY OF ALLEGATION #33: The officer improperly fingerprinted the complainant in the field.

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

FINDINGS OF FACT: The complainant stated that the officer inked his thumb and placed the fingerprint on the citation without his permission. The officer stated that he is obligated under department cite and release policy to fingerprint the arrestee's thumb and place the print on the back of the citation for identification purposes. The officer stated that he had no inepad with him and asked the complainant if he wanted to wait until an inepad arrived or did he want the officer to place pen ink on the thumb and print him. The officer stated that the complainant did not want to wait and agreed to have his thumb inked by the officer. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #34-35: The officers handcuffed the complainant and a passenger without justification.

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

FINDINGS OF FACT: The officers stated that no passenger was handcuffed and that the complainant was handcuffed because he was placed under arrest for 148.6 PC. The complainant denied that he resisted or delayed the investigation. There were no independent witnesses to the incident. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #36: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: All officers denied the allegation. There were no independent witnesses to the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #37: The officer threatened the complainant.

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

FINDINGS OF FACT: All officers denied threatening the complainant. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers stated that the complainant was arrested and no certificate of release is issued to an arrestee. The officers also stated that the passengers in the vehicle were detained for a minimal time and then free to go if they had wanted. The officers stated that the department requires a certificate of release to be issued when a person is moved a substantial distance, physically restrained or the detention has been prolonged a significant length of time. The officers stated that none of these requirements were met and that no certificates of release were necessary. One passenger stated that she was handcuffed but all officers denied that anyone except the arrested complainant was handcuffed. None of the passengers were moved from the scene of the contact. The time requirement is not met as the officers stated that they conducted the traffic stop in a reasonable and necessary amount of time. There were no independent witnesses to this contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant admitted doing that for which he was cited. The evidence proved that the act which provided the basis for the allegation did occur; however, such act was lawful and justified.

SUMMARY OF ALLEGATION #2 & #3: The complainant was taken into custody for being drunk in public without cause.

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

FINDINGS OF FACT: The complainant states he was in a bar for several hours, drinking alcoholic beverages, and further stated that he is mentally disabled, and it was probable that alcohol would increase this disability. The complainant stated he wanted to drive, which is why he jaywalked [to get to his car]. The officers stated that complainant was intoxicated in their statements to the O.C.C. A preponderance of the evidence shows that the complainant was properly put into custody for intoxication in public and that said act was lawful and justified.

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SUMMARY OF ALLEGATION #4: The officer failed to properly process property.

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

FINDINGS OF FACT: The officers who had contact with the complainant stated that they did not see property he complained was missing. He had no evidence to show he was in possession of his missing property and lost it due to police action during this incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that he made attempts to gather the needed information from the complainant for an accurate report. The officer stated his demeanor was professional and that he provided the complainant his name and star number when requested. The officer denied laughing at the complainant when the complainant left the building. Their conversation was conducted over the telephone at the station counter. There were no independent witnesses. 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 failed to write an Incident Report.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated that the complainant's demeanor was agitated, uncooperative and illusive with regards to supplying needed information to write a coherent report. The officer stated that when he attempted to get information for an Incident Report, the complainant became agitated and walked away from the station counter. The officer stated that the complainant did not request an incident report upon his second visit to the counter. 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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SUMMARY OF ALLEGATION #1: The officer's conduct, comments, and actions were inappropriate and threatening.

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

FINDINGS OF FACT: The complainant stated that the police were called over a dispute between the complainant's husband and their neighbors. The complainant said the officer told her and her husband several times to shut up or they were going to go to jail. The officer denied the allegation. A witness officer stated he did not hear everything the officer said at the scene. Another witness said she did not hear all the conversations while another witness corroborated the named officer's account . Other witnesses did not respond for an interview. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated that her husband and the other party were not separated when they were interviewed by officers. The complainant said that the officer would allow the other party to interrupt while her husband was giving his side of the story. The complainant said the officer declined to interview witnesses. The officer denied the allegation. The witness officer and the other party corroborated the officer's version of events. Other witnesses did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: This action was a 5150 Mental Health detention. Complainant stated he was kept by the hospital for 2 weeks against his will after being brought by the officers to SFGH Psych Emergency. This is powerful evidence that the officers were correct in having him brought to PES. After questioning, the complainant admitted in his interview that he had not taken his psychiatric medication for a few days before this event. The IR states that both the complainant's wife and his previous psychologist were contacted by the police for information during their investigation into his condition. Complainant stated that the officers talked with his wife, and also admits that he did not hear what his wife told the officers. The officers state in their MRFs to O.C.C. that the complainant presented as being in poor mental and physical condition and in need of medical attention, which would allow the 5150 detention. The preponderance of the evidence shows that complainant was in need of mental health attention, and that the mental health detention was proper and lawful.

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

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

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SUMMARY OF ALLEGATION #5: The officers failed to take a required action, in that they failed to provide a Polish speaking attorney to the complainant during his police detention.

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

FINDINGS OF FACT: This action was not an arrest, and therefore Miranda rights do not apply: there was no right for the complainant to speak with an attorney before being taken to the hospital for a mental health well being check. Moreover, it is not a police duty to provide an attorney, but rather a duty for the courts for an arrested person before trial. Therefore, this is *prima facie* proper conduct, as no duty exists and therefore is a proper and lawful conduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The investigation concluded the named officer was not one of the officers that detained the complainant and was in fact at another location when the complainant was detained. The evidence proved that the named member was not involved in the act alleged.

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

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

FINDINGS OF FACT: The investigation concluded the named officer was not one of the officers that handcuffed the complainant and was in fact at another location. The evidence proved that the named member was not involved in the act alleged.

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SUMMARY OF ALLEGATION #3: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The investigation concluded the named officer was at another location when the complainant was detained. The evidence proved that the named member was not involved in the act alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 - #3: The officers allegedly acted and behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant withdrew this allegation.

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

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

FINDINGS OF FACT: The complainant withdrew this allegation.

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

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

FINDINGS OF FACT: The officer denied making inappropriate comments or being discourteous to the complainant. There were no available witnesses. The investigation did not yield sufficient evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officer's behavior was inappropriate.

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

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

SUMMARY OF ALLEGATION #4: The officer failed to take an Incident Report.

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

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

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SUMMARY OF ALLEGATION # 1: The officer's comments and demeanor to the complainant were inappropriate and threatening.

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

FINDINGS OF FACT: All officers denied the allegation. The complainant did not provide any identifying information as to the officer. No other witnesses were identified and there was insufficient evidence to either prove, or disprove the allegation.

SUMMARY OF ALLEGATION #2-4: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The officer denied the allegation. One officer stated that he repeatedly yelled out that he was a police officer. All three plainclothes officers stated that they had their stars displayed outside their shirts and on their outer clothing. No other witnesses were identified or came forward during the investigation. There is insufficient evidence to either prove, or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-7: The officer's failed to Mirandize the complainant after his arrest.

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

FINDINGS OF FACT: The complainant stated that he was arrested and interrogated without being provided his Miranda rights by the officers. All officers stated that they did not recall the complainant being Mirandized. The officers also stated that they did not question or interrogate the complainant other than asking his city of residence. For Miranda rights to be issued, the suspect must be in custody and being questioned. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was arrested without cause. The complainant was arrested for trespassing on Federal Housing property, resisting arrest and drug possession. The complainant admitted that he was on the Federal Housing property, the complainant admitted that he ran from the unknown persons (who were police) even though five others persons he was hanging with did not run, officers located a small amount of narcotics on the complainant's person which was presented to the SFPD crime laboratory and identified as cocaine base. The preponderance of the evidence shows that the officer acted lawfully.

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SUMMARY OF ALLEGATIONS # 9: The officer displayed his firearm without justification.

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

FINDINGS OF FACT: The officer stated that he feared for his safety when he made contact with the complainant. The officer stated that the complainant ran from him and the complainant placed his hands in his waistband which made the officer fear that the complainant had a firearm that would be used against the officer. Other officers on scene denied displaying their firearm. No witnesses came forward during the investigation. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer parked a Department vehicle in a bus zone while his partner went for coffee, blocking ramp access to the bus for a disabled person. The investigation did not disclose the identity of the officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments regarding her security arrangements after her premises had been burglarized. The complainant further alleged that the officer acted in an inappropriate manner during her response at the crime scene. On follow-up, the complainant stated that the officer was sarcastic to her over the telephone. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant alleged that the officer's report contained an inaccurate statement with regard to her premises, specifically that it had been the scene of additional crimes. The officer denied the report's inaccuracy and refused to change its content. The Office of Citizen Complaints conducted further investigation into the history of the premises. The Office of Citizen Complaints learned that the premises, albeit not necessarily under the complainant's control, had been a crime scene before. This information was stored in the database of the Department of Emergency Communications (ECD). The OCC reviewed the recordings provided to it by ECD. The officer had the right to rely on the information provided by a city agency as accurate. The officer's conduct was justified and hence the report was not inaccurate.

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SUMMARY OF ALLEGATIONS #1 and 2: The officers behaved inappropriately and made inappropriate statements.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officer denied hearing or seeing the alleged comments or behavior. Other witnesses did not recall the incident or did not respond to the OCC's request for an interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer discouraged the complainant from filing a citizen's complaint.

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

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

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SUMMARY OF ALLEGATION #4: The officer failed to promptly receive a citizen's complaint.

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

FINDINGS OF FACT: The investigation was unable to identify the offending officer. There were no known witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 & #2: The officers failed to write an accurate Incident Report.

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

FINDINGS OF FACT: The complainant states that he was not served with a Restraining Order. There is an Incident Report stating that the named officers served the complainant with the Restraining Order. A copy of the Restraining Order in question is attached to the Incident Report. The fact that the officers took the time to find and copy the Restraining Order to attach it to the Incident Report shows that the event did occur, and the report about the service is accurate.

SUMMARY OF ALLEGATION #3, #4, and #5: The officers failed to take a required action, in that they failed to serve the complainant with a copy of a Restraining Order.

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

FINDINGS OF FACT: The complainant states that he was not served with a Restraining Order. There is an Incident Report stating that the named officers served the complainant with the Restraining Order. A copy of the Restraining Order in question is attached to the Incident Report. The fact that the officers took the time to find and copy the Restraining Order to attach it to the Incident Report shows that the event did occur, and the complainant was served.

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SUMMARY OF ALLEGATION #1: The officer 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 November 29, 2005.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1 - 3: The officers failed to take required action.

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

FINDINGS OF FACT: The officers at the scene denied the allegation. The OCC investigation was unable to identify the officers from the stations. There were no known witnesses. There is insufficient evidence to reach a dispositive finding.

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

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

FINDINGS OF FACT: The OCC investigation was unable to identify the officers from the stations. There were no known witnesses. There is insufficient evidence to reach a dispositive finding.

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SUMMARY OF ALLEGATION #5: The officer conducted himself in an inappropriate manner.

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

FINDINGS OF FACT: The OCC investigation was unable to identify the officers from the stations. There were no known witnesses. There is insufficient evidence to reach a dispositive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that a motorcycle officer made a dangerous traffic maneuver on a highway and screamed at a driver. The officer traveled below the posted speed limit causing traffic behind him to slow. The officer then pulled the complainant over and made inappropriate comments to him, but left without issuing a citation. The complainant provided a license plate number for the officer's motorcycle. The OCC determined that this license plate number belongs to a motorcycle assigned to an officer in another district, who was not working at the time of this incident. A check of department records did not reveal a motorcycle officer who was at this location at the time indicated by the complainant. The OCC was unable to identify the involved officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer allegedly spoke and acted inappropriately.

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant stated that she went to the Tenderloin Task Force to report a stolen handbag but the officer would not make a written report. The complainant could not describe the officer. The officer could not be identified. There was no additional evidence to further prove or disprove this allegation. When the complainant left the station, she contacted a patrol officer, who took her report.

SUMMARY OF ALLEGATION #2: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant stated that her handbag was stolen on September 2, 2005 and no action was taken until she contacted the Department by letter on September 21, 2005. The complainant stated that, during that time, she obtained key evidence in this matter. This case was assigned to an inspector and investigated on September 28, 2005. The complainant stated that she was pleased with the Department's actions in response to her September 21, 2005 letter.

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SUMMARY OF ALLEGATION #3: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant stated that, during a telephone conversation, an unidentified officer told her that her case was not worth the Department's time and would not be investigated. A poll sent to the Investigations Unit to identify this officer yielded negative results. The officer could not be identified.

SUMMARY OF ALLEGATION #3:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force.

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

FINDINGS OF FACT: The named member and officers at the scene denied committing or seeing any officer commit the alleged acts. There are no other known or identified witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profane language.

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

FINDINGS OF FACT: The officer denied making the alleged comment. Witness officers denied hearing the alleged comment. There were no other known or identified witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation, stated that the complainant was parked on the bus zone. The complainant did not respond to requests for an interview and the walk over log of vehicles in the taxi line does not identify motorists. There were no witnesses who could prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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

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

FINDINGS OF FACT: The complainant stated that she interfered with a flight crew while the flight was enroute to San Francisco. The officers stated that they detained the complainant pending further investigation by the FBI and the TSA. The officers' actions were proper.

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

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

FINDINGS OF FACT: The complainant stated that she interfered with a flight crew while the flight was enroute to San Francisco. The officer stated that she handcuffed the complainant pending further investigation by the FBI and the TSA. The officer's action was proper.

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

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

FINDINGS OF FACT: The officer denied making any inappropriate comments about the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer 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 12/12/05.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated that they detained the complainant because his vehicle matched the description of the vehicle used in an armed robbery. OCC's investigation established that the complainant's vehicle did match the description of the vehicle used in the robbery. 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 #3: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant alleged that the officer damaged the speakers in the rear of his vehicle. The officer denied that the rear speakers in the complainant's van were damaged. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer placed the complainant in tight handcuffs.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: CRD **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.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made inappropriate comments to the complainant on the telephone.

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

FINDINGS OF FACT: The complainant alleged that the officer made demeaning and minimizing comments to him with regard to his telephone complaints with regard to a crime spree occurring in his neighborhood. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant stated that he provided the named officer with a detailed description of the suspect responsible for perpetrating a crime spree occurring in his neighborhood and asked the named officer to research the matter. The complainant stated that the officer refused to assist him, although the suspect had allegedly been arrested before at a specific location nearby. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant alleged that the officer angrily yelled at her and called her names without reason(s). The officer denied the allegation, stated that he only ordered her from the area for her own safety during an emergency situation. There was no witness to the alleged comments. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION#:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he threw his hamburger at two men and yelled at them for taking his photograph. The two men stated that they were employees of the SF Department of Public Works, conducting City business, taking photographs of trees and tree wells. The two men stated that the complainant accused them of taking photographs of the complainant. They stated that the complainant threw his hamburger at them, threatened to kill them, and called them racial slurs. Another City employee heard the complainant make these threats and use racial slurs. These three men signed citizen arrest forms against the complainant. The officer interviewed two additional witnesses and properly accepted these citizen arrests.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: