

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in unprofessional conduct.

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

FINDINGS OF FACT: The complainant stated the officer was engaged in a verbal argument with two males and pulled out his badge and identified himself as an officer and was taunting the two males. The complainant stated the officer had been drinking and was being disruptive. The complainant said that the bartender had to ask the officer to leave the bar and finally had to call the police. The officer denied being intoxicated and disruptive but admitted to showing his badge and identifying himself as an officer. Two witnesses corroborated that the officer was behaving unprofessionally. The officer violated DGO 2.01 Rule 9. Misconduct by bringing discredit upon the department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/07 **DATE OF COMPLETION:** 02/26/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said the officer searched him for no reason. The officer stated that the complainant was detained for narcotics investigation and was searched for weapons and possible narcotics. There is insufficient evidence to either prove or disprove the allegation in the complaint.

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/07 **DATE OF COMPLETION:** 02/26/07 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/07 **DATE OF COMPLETION:** 02/26/07 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to issue Certificate of Release.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/06 **DATE OF COMPLETION:** 02/21/07 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The officers responded to a domestic violence call. The alleged victim gave the officers permission to enter the residence. The conduct of the officers was proper.

SUMMARY OF ALLEGATIONS #3-5: The officers used unnecessary force to arrest the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officer and the alleged victim witness denied that the named members used unnecessary force. The complainant reported that he had resisted the officers verbally and physically. There is no evidence that the officers used any unnecessary force to arrest the admittedly resistant complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/06 **DATE OF COMPLETION:** 02/21/07 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #6-7:The officers failed to provide medical attention.

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

FINDINGS OF FACT: The named members stated that the complainant was offered medical attention based on a complaint of pain to his head and pre-existing heart condition but that the complainant refused the offer. Witness officers either did not hear any complaint of pain or heard comments made by the complainant related to a pre-existing heart condition. The victim/witness heard the complainant request aspirin for chest pain but did not hear any officer ask the complainant if he wanted medical attention. No one observed any visible injury to the complainant. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #8: The officer made inappropriate comments.

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

FINDINGS OF FACT: The officer denied making the alleged statements. Witnesses denied hearing the alleged comments. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/06 **DATE OF COMPLETION:** 02/21/07 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #9: The officer failed to accommodate the complainant's requests to use the restroom facilities.

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses denied hearing a request or denial. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer conducted himself in an intimidating manner toward the complainant.

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

FINDINGS OF FACT: The evidence proved that the named member was not involved in the alleged behavior.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/06 **DATE OF COMPLETION:** 02/21/07 **PAGE#** 4 of 4

OCC ADDED ALLEGATION

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

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

FINDINGS OF FACT: There is insufficient evidence to prove that any reportable use of force took place in this incident.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/06 **DATE OF COMPLETION:** 02/26/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant stated during a contact with two male officers, one of those officers made inappropriate comments. Two officers who responded to one of the five calls made by the complainant on the day in question did not recall what was said to the complainant and denied making the alleged comments. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers failed to stop a neighbor from making noise.

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

FINDINGS OF FACT: The named officers denied the allegation, stating that they advised a man in the building identified as the noisy neighbor. Department records corroborated the officers' contact with a resident of the building near the time cited by the complainant. No witnesses came forward. There is insufficient evidence to either prove or disprove that the officers abated the noise complaints.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/07 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

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

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

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

Lt. Al Kennedy
Internal Affairs
San Francisco Sheriff's Department
25 Van Ness Avenue
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged her boyfriend was detained without reason. A witness at the scene confirmed that an officer took his license, and told him to sit down. A witness officer stated that he was separated from the named officer and did not know if the boyfriend was detained or why. Department records indicate the named officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #2: The officer misused a computer.

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

FINDINGS OF FACT: The complainant stated that her boyfriend's name was run with no justification. She stated further that she was not present during this action. One witness stated that his name was run by computer. One witness officer stated that he heard the named officer run the name of the complainant's boyfriend but said he did not know why. The named officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer asked inappropriate questions and displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged her boyfriend was asked if he was on probation or parole, and asked if he had ever been arrested. A witness corroborated that account. A witness officer stated that the named officer asked the questions. The named officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that officers should have taken a man into custody immediately on her allegations. The named officer and one witness officer who spoke to the woman at the scene said she did not describe activity on the man's part that rose to a criminal level and that the man was arrested as soon as they determined he had an outstanding warrant. One witness stated that he saw an officer standing with the man, but could not hear or see conversations and actions the officer engaged in with the man. One witness officer is no longer with the Department and unavailable. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/19/07 **DATE OF COMPLETION:** 02/06/07 **PAGE#**1 of 1

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/07 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/07 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/06 **DATE OF COMPLETION:** 02/01/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was arrested, searched and placed in a cell by the officer. The complainant added that even though the officer searched him, the officer did not find a cell phone or a knife that the complainant took into the cell and kept while in custody. The officer stated that he found only a cell phone. There are no witnesses to this search or the knife. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he told the officer that a racial slur had been made towards him but the officer did not investigate this allegation. The officer stated that the complainant never mentioned that a racial slur had been made. No other witnesses came forward to corroborate either the complainant or the officer. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/06 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant stated the officer used inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer conspired with others to keep his vehicle from him. The complainant admitted he agreed to meet with others in order to settle his property damage claim. The witnesses stated there was no conspiracy with the complainant. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/07 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

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

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

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

California Department of Corrections
c/o Appeals Office
San Quentin, CA 94964

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/07 **DATE OF COMPLETION:** 02/05/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer(s) behaved inappropriately when they looked at the complainant.

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

FINDINGS OF FACT: The complainant stated she stepped off a sidewalk curb against a traffic light and that officers parking a marked vehicle looked at her. The complainant stated there was no contact between the complainant and the officers other than the officers looking at her. There were no known witnesses to this contact. SFPD records do not show any calls in the area at the time of the incident. There were no known or identified witnesses. The evidence proved that the act alleged was not inappropriate or unlawful. The complainant was in a public place where there is no expectation of privacy and officers as well as civilians can look at anyone in a public place.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/07 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

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

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

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

Attn: Sgt. Lars Jeffry
AMTRAK Police Department
510 West San Fernando Street
San Jose, CA 95110

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/07 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant raises matters outside the jurisdiction of the Office of Citizen Complaints. The complaint has been referred to the City of Richmond Police Department for further investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/07 **DATE OF COMPLETION:** 02/11/07 **PAGE# 1 of 1**

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

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

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

Client Services Manager
ECD
1011 Turk Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/30/07 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant reported to a homeless project coordinator, who in turn referred the matter to the OCC, that an unidentified SFPD officer “brutalized” her during booking at the SFSD facility. The complainant failed to respond to the OCC’s requests for an interview. The officers involved in the complainant’s arrest denied using any force against her. Video footage of the complainant’s booking at the SFSD facility did not support the complainant’s assertion regarding use of force. The available evidence was insufficient to determine whether any officer used the alleged excessive force against the complainant or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant reported to a homeless project coordinator, who in turn referred the matter to the OCC, that an unidentified SFPD officer verbally abused her during booking at the SFSD facility. The complainant failed to respond to the OCC’s requests for an interview. The officers involved in the complainant’s arrest denied acting inappropriately during their contact with her. Video footage of the complainant’s booking at the SFSD facility was inconclusive as to the alleged improper behavior since the video did not have audio component. The available evidence was insufficient to identify the officer(s) responsible for the alleged misconduct or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer uttered a sexual slur against the complainant.

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

FINDINGS OF FACT: The complainant reported to a homeless project coordinator, who in turn referred the matter to the OCC, that an unidentified SFPD officer was using derogatory sexual epithets towards her during booking at the SFSD facility. The complainant failed to respond to the OCC's requests for an interview. The officers involved in the complainant's arrest denied the said language during their contact with her. Video footage of the complainant's booking at the SFSD facility was inconclusive as to the alleged improper behavior since the video did not have an audio component. The available evidence was insufficient to identify the officer(s) responsible for the alleged misconduct or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant reported to a homeless project coordinator, who in turn referred the matter to the OCC, that some of her property was missing after her arrest. The complainant failed to respond to the OCC's requests for an interview. The officers involved in the complainant's arrest denied mishandling the complainant's property. SFPD and SFSD records were inconclusive to determine whether specific property items were, in fact, mishandled during the complainant's booking. The available evidence was insufficient to identify the officer(s) responsible for the alleged misconduct or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/07 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/07 **DATE OF COMPLETION:** 02/13/07 **PAGE#** 1 of 1

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

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

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

CDC Internal Affairs Unit
Officer In Charge
PO Box 3009
Sacramento, CA 95812

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/06 **DATE OF COMPLETION:** 02/21/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1 & 2: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that he was sitting in his car parked in front of his house when officers accused him of fleeing from them in a car. The complainant started entering his house, but when officers grabbed the complainant's cousin, the complainant came outside to question their actions. An officer told the complainant to get back, then struck the complainant in the legs with his baton until the complainant was on the ground. This officer then choked the complainant. The other named officer slammed the complainant's head into the ground and pepper-sprayed the complainant after he was handcuffed. One of the named officers stated that he contacted the complainant as he and two other men were walking away from a car the officer had seen driving at a high rate of speed. The officer attempted to determine who the driver was. One of the complainant's companions physically confronted the officer, and the officer and his partner struggled to handcuff this man. The complainant physically confronted this named officer and when the complainant refused to move back, this officer struck the complainant in the legs with his baton. The officers took the complainant to the ground and engaged in a protracted struggle to handcuff him, during which an officer used OC spray on the complainant. The other named officer and other officers present at the scene confirmed that the complainant resisted attempts to handcuff him. All officers present denied striking the complainant's head on the ground or choking the complainant. Witnesses whose names were provided by the complainant could not be contacted. The complainant failed to respond to a request for his medical records that could have documented his injuries. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated that he was arrested without cause. The named officer stated that he arrested the complainant for resisting and for two outstanding warrants. Other officers present confirmed that the complainant resisted arrest. Witnesses whose names were provided by the complainant could not be contacted. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/06 **DATE OF COMPLETION:** 02/21/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION # 4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity to him at the police station. The officer denied the allegation. Witness officers denied that profanity was used. The complainant failed to complete a medical release that would have enabled the OCC to interview paramedics who were present at the station treating the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/07 **DATE OF COMPLETION:** 02/17/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant alleged that the officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that he had a dispute with his next-door neighbor regarding loud music and excessive noise on their common wall. The complainant stated that he called the police and the officer responded to his residence. In his interview the complainant stated to the Office of Citizen Complaints that the officer offered him options for the resolution of his complaint, including a citizen's arrest, and the option of having police return if the nuisance was not abated. There was no evidence that a crime had been committed. The named officer was not required to write a report under the circumstances. The evidence proved that the acts which provided the basis for the complaint occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1 & 2: The officers conducted a traffic stop without justification.

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

FINDINGS OF FACT: The complainant stated that he and two other men were passengers in a vehicle that was stopped by the named officers without justification. The named officers stated that as the vehicle the complainant was riding in made a turn in front of them, they saw that the complainant was not wearing a seat belt, and that they made a traffic stop on it. The officers stated that they ran a check on the license plate of the vehicle. One officer stated that this check revealed that the registration was expired. The other officer stated that the check revealed that the vehicle had false registration tabs. The Department refused to provide the Office of Citizen Complaints with documents indicating what information the officers received about the vehicle when they checked its license plate, citing state law that prohibits the release of such information. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 3 & 4: The officers detained, handcuffed, searched and transported the complainant and his companion to the station without justification.

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

FINDINGS OF FACT: The complainant stated that he and two other men were passengers in a vehicle that was stopped by the named officers. One of the officers pulled the complainant from the vehicle, handcuffed and searched him and placed him in a patrol car and transported him to the station, wrongfully claiming that he had an outstanding warrant. The named officers stated that as the vehicle the complainant was riding in made a turn in front of them, they saw that the complainant was not wearing a seat belt, and that they made a traffic stop. The officers stated that the driver of the vehicle did not have identification, and that the name he gave the officers had a suspended driver's license. The officers stated that they transported the driver to the station where, after establishing his identity through a fingerprint scan, they cited and released him. The named officer stated that he handcuffed and searched the driver, which is standard procedure when transporting someone. The driver stated that although he did not have a California driver's license with him, he did have a Nevada driver's license. The officers stated that a check with communications revealed that the complainant had an outstanding warrant. The officers said they handcuffed the complainant and transported him to the station due to this warrant, and that their search of the complainant is standard procedure when transporting someone and before individuals in custody are taken to the holding area at the police station. The officers stated that after they took the

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/06 **DATE OF COMPLETION:** 02/18/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION Continued #3 & 4: The officers conducted a traffic stop without justification.

complainant to the station and made additional inquiries, they determined that the warrant was not outstanding and released the complainant. The Department refused to provide the Office of Citizen Complaints with documents indicating what information the officers received in the field about the license status and identity of the driver and about the complainant's warrant, citing state law that prohibits the release of such information. Such information could have confirmed the officer's statements. Therefore, there is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he and two other men were passengers in a vehicle that was stopped by the named officers, who wrongfully cited the complainant for not wearing a seat belt. The named officers stated that as the vehicle the complainant was riding in made a turn in front of them, they saw that the complainant was not wearing a seat belt, that they made a traffic stop on it and ultimately cited the complainant for not wearing a seat belt. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the officer stated that the complainant was a convicted murderer, which is untrue. The complainant's companion confirmed that the officer made this statement. The named officer and his partner denied that this statement was made. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/07 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 1 of 1

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

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

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

Federal Aviation Administration
831 Mitten Road
Burlingame, CA 94010-1303

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/07 **DATE OF COMPLETION:** 02/21/07 **PAGE#** 1 of 1

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

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

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

University of California
Hastings College
c/o Campus Security
198 McAllister Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/06 **DATE OF COMPLETION:** 02/23/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/06 **DATE OF COMPLETION:** 02/03/07 **PAGE#** 1 of 3

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 he was detained for no reason. The complainant admitted he made an illegal u-turn against oncoming traffic. The officers stated they witnessed the complainant make an illegal turn against oncoming traffic crossing double yellow lines on a busy street without a turn signal. The officers stated they affected a traffic enforcement stop pursuant the Department Motor Vehicle CA Vehicle Code §21460, §22108, and §21658a. There were no witnesses to the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he should not have been handcuffed. The complainant stated he was cooperative with the officer and wanted to find out why he was being detained. The complainant stated he was not driving recklessly. The officer stated the complainant was handcuffed and arrested pursuant to the CA Vehicle Code §23103 reckless driving by the complainant. There were no witnesses to the incident.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/06 **DATE OF COMPLETION:** 02/03/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #4-5: The officers towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated his vehicle should not have been towed from the scene. The officers stated the complainant's vehicle was towed from the scene because the complainant was driving recklessly and almost caused two traffic accidents. There were no witnesses during the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he should not have been cited for driving recklessly. The complainant stated he made a u-turn but did not cause or potentially cause any traffic accidents. The officer stated he witnessed the complainant in his vehicle make an illegal turn against oncoming traffic and almost causing two traffic accidents in doing so. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/06 **DATE OF COMPLETION:** 02/03/07 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7-8: The officers used inappropriate behavior and language.

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

FINDINGS OF FACT: The officers used inappropriate behavior and language. The complainant stated one of the officers used profanity. The complainant stated both officers refused to explain why he was being arrested at the scene. The officer stated he did not use profanity and the officers at the scene explained to the complainant on why he was being arrested and cited at the scene. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/06 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers issued an invalid order.

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

FINDINGS OF FACT: The evidence proved that the actions complained of was the result of inadequate or inappropriate training or an absence of training when viewed in light of Departmental policy and procedure.

SUMMARY OF ALLEGATION #3: The officers gave an invalid order.

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

FINDINGS OF FACT: The evidence proved that the actions complained of was the result of inadequate or inappropriate training or an absence of training when viewed in light of Departmental policy and procedure.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/06 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer present when the complainant alleged the profanity was used denied hearing the allegation. Four witness officers present later during the incident denied using profanity or hearing profanity used. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force during an arrest.

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

FINDINGS OF FACT: The six officers at the scene denied using or observing any officer use force. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/06 **DATE OF COMPLETION:** 02/24/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that an officer told hospital staff that the complainant had been in a car accident and did not need photos taken. The officers who responded to the hospital denied the allegation. One physician did not hear the initial conversation with the complainant. No other witnesses came forward. There is insufficient evidence to identify the officer involved in the allegation and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer and five witness officers denied the allegation or stated that they did not observe the actions that led to the allegation. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/06 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 3 **of** 3

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

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

FINDINGS OF FACT: The complainant could not identify the officer whom he alleged used force on him. The six officers who arrived at the scene stated that they did not log the use of force because they neither saw nor observed another officer use reportable force. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him without any apparent reason. The named member stated that he detained the complainant for narcotics investigation because he saw the complainant smoking in front of the children's playground and he smelled strong pungent smell of marijuana coming from the complainant. The complainant could not provide sufficient identifying information in order to locate and interview potential witnesses to the occurrence. The named member's partner did not recall this police contact. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched him without any legitimate reason. The named member stated that he searched the complainant because he saw the complainant smoking and he smelled strong odor of marijuana coming from his person. According to the officer, his search produced no positive results. The complainant could not provide sufficient identifying information in order to locate and interview potential witnesses to the occurrence. The named member's partner did not recall this police contact. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed him without any legitimate reason. The named member stated that he applied the handcuffs because the complainant attempted to resist the officer's narcotics investigation. The complainant could not provide sufficient identifying information in order to locate and interview potential witnesses to the occurrence. The named member's partner did not recall this police contact. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer threatened the complainant with enforcement actions.

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

FINDINGS OF FACT: The named member denied the allegation. The officer's partner did not recall this police contact. The complainant could not provide sufficient identifying information in order to locate and interview potential witnesses to this incident. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The named member denied making the alleged comments to the complainant. The officer's partner did not recall this police contact. The complainant could not provide sufficient identifying information in order to locate and interview potential witnesses to the occurrence. The available evidence was clearly insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that the officers placed him at fault for an accident and took the other party's side. The officer denied the allegation. The officer stated he did not witness the accident but made his determination of fault based on witness statements and evidence at the scene. Witness statements were inconclusive. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was not drunk and believes that the intoxilyzer test score was inaccurate. The officer stated that the complainant was administered the intoxilyzer test and the results indicated that the complainant was intoxicated. Another officer stated he is trained to administer the test and has a "Breath Test Operation" certificate. The officer stated he had probable cause to believe that the complainant had been driving under the influence of alcohol. In his OCC interview, the complainant stated he had consumed about five 12 oz. beers within a four-hour period. The officer had probable cause to arrest the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/06 **DATE OF COMPLETION:** 02/06/07 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The complainant stated he was not provided a timely Miranda admonition. The officer stated he did not Mirandize the complainant, but the other officer Mirandized the complainant prior to administering the intoxilyzer test. The investigation showed that the complainant was Mirandized for this incident prior to the intoxilyzer test.

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

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

FINDINGS OF FACT: The complainant stated he was cited for speeding, which he denies. The officer stated that he cited the complainant for excessive speed based decision on witness statements, point of impact, position of the vehicles at rest and damage to the vehicles. One witness stated that she did not know the speed of the vehicle prior to impact. Other witnesses did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS # 5: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the officer misrepresented the facts concerning the intoxilyzer test he administered. The complainant said he was not given the 15 minute observation (he states was only observed for 14 minutes.) The officer denied the allegation. CAD records are inconclusive. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATIONS # 6: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant stated the officer wrote that three field sobriety tests were conducted, but one of the field sobriety tests was not performed at the scene. Also, the complainant said the report stated that he was observed for 15 minutes prior to administering the intoxilyzer test, which he disputes. The officer denied the allegation. One witness stated she did not see the interaction between the complainant and police. There is insufficient evidence to prove when the actual observation began. Other witnesses did not respond for an interview. There is insufficient evidence to prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated the officer claimed to be an expert in the Incident Report however, he contradicted himself in the DMV hearing. The officer denied the allegation. The DMV transcript documented the officer stated he was not an expert in that field. The Incident Report does not document that the officer asserted that he was an expert. The report only documents that the officer has taken a 40 hour Basic Accident Investigation Course.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 02/24/07 **PAGE# 2 of 3**

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

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

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 3 **of** 3

SUMMARY OF ALLEGATION #5: The officer engaged in harassment.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 1 of 2

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 was taken to jail for no reason. The complainant denied being drunk but admitted to drinking whiskey and smelling of alcohol. The officer stated that the complainant was on and off the sidewalk, behaved irrationally, and smelled of alcohol. Jail medical records indicated that the complainant reported drinking ½ pint of whiskey daily, including the day of his detention, and that he was belligerent and yelling at the officers of San Francisco Police Department and San Francisco Sheriff's Department. There is sufficient evidence to establish that the officer had reasonable suspicion to detain the complainant.

SUMMARY OF ALLEGATION #2-3: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him tightly. The officer denied the allegation and said he double locked the handcuffs and checked them for appropriate tightness. The jail medical record documented that the complainant complained of pain to wrist due to the handcuffs. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 02/11/07 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION # 4-5: The officers failed to loosen the handcuffs.

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

FINDINGS OF FACT: The complainant said he complained of tight handcuffs but the officers did not loosen them. The officers denied that the complainant asked for the handcuffs to be loosened. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION # 6: The officers used excessive force while at County Jail.

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

FINDINGS OF FACT: The complainant stated he was beat up by male police officers in the “hole”, cell reserved for drunks. Officers denied the allegation. The jail medical records do not document report of excessive force in the cell or any treatment of any injuries or pain due to force used in the jail. The records document that the complainant was placed in a safety cell at 1:55 am because he was belligerent and a danger to others. The officers had cleared this incident at 1:51 and were on another call at 1:52 am. Other medical records indicate the complainant complained of being hit on the head, face, knees, arms, and right thumb. Per the timing of the medical records and CAD records, the officers did not engage in use of force in the cell.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 02/07/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed and “slammed” him onto the sidewalk causing scrapes to the complainant’s face. The named member stated that he and the complainant both fell to the ground because the complainant was “extremely intoxicated” and he lost his balance when the officer attempted to control him. The officer’s partner corroborated this statement. The complainant acknowledged that he was under the influence of alcohol at the time of his arrest. The complainant also produced a written statement from his friend supporting his allegation but the Office of Citizen Complaints was unable to locate and interview this witness in connection with the incident. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the police report regarding his arrest inaccurately described the events of this incident. The named member stated that his report was accurate and complete. The officer’s partner supported this statement. The complainant produced a written statement corroborating his allegation but the Office of Citizen Complaints was unable to locate and interview this witness in connection with the incident. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 02/07/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers made some inappropriate comments during his arrest but he could not recall what exactly they said because he was under the influence of alcohol at the time. The arresting officers denied making any inappropriate comments during their contact with the complainant. A witness to the incident identified by the complainant left town and became unavailable for an Office of Citizen Complaints interview. There were no other identifiable witnesses to the occurrence. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/06 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION #1 & 2: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that she and a friend went to a bar, where the complainant became involved in an argument with the bartender, who insulted her and her friend. The complainant and her friend left the bar and stood outside as a police car arrived. After the two officers entered the bar, the complainant kicked the bar's front door because she was angry. The officers exited the bar and one of them grabbed her. The complainant resisted the officer by attempting to get away from him. This officer threw the complainant to the ground and kicked her in the hips, then threw her headfirst into the back seat of the police car. This officer then bashed the complainant's head into the metal screen in the police car.

The complainant's companion stated that the complainant was drunk, refused to leave the bar when asked to and told the bartender to call the police. She saw the complainant and the bartender almost physically fighting. The complainant's companion stated that after the complainant kicked the door, the officers exited the bar, and one officer grabbed the complainant by the arm and threw her to the ground. The complainant's companion stated that the officers pushed the complainant back and forth and kicked her and that one of the officers threw the complainant into the back seat of the police car.

Three civilian witnesses who were inside the bar stated that the complainant and her companion appeared to be drunk and were verbally abusive, and that the complainant attempted to assault one of the bar's employees. Two of the civilian witnesses stated that they were inside the bar when the complainant was arrested, and did not see the initial physical interaction between the complainant and the officers or see the officers use force on the complainant. One of the civilian witnesses stated that fifteen minutes after the officers exited the bar; he looked out the bar's window and saw the complainant cursing at and pulling away from the officers, who were attempting to place her in their car.

The named officers stated that as they were speaking to employees of the bar, the complainant kicked the door open and began screaming. The officer who the complainant identified as using most of the force against her stated that he and his partner then exited the bar and immediately handcuffed the complainant and moved her towards their patrol car parked twenty feet away. This officer stated that the complainant was turning around and screaming. He opened the rear door and attempted to place the complainant inside. As he did, the complainant turned around and kicked him in the shins. He responded by pushing the complainant away from him, causing the top of the complainant's head to hit the top of the patrol car. The complainant was still kicking with her legs, which were outside the car, so this officer removed the complainant from the car by pulling her right side and placing her seated on the ground. The complainant remained in this position until an ambulance arrived to attend to the injury to the back of the complainant's head, which was bleeding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/06 **DATE OF COMPLETION:** 02/11/07 **PAGE# 2 of 5**

SUMMARY OF ALLEGATION #1 & 2 : (Continued) The officers used unnecessary force on the complainant.

The other officer stated that as he and his partner exited the bar, the complainant went limp and fell to the ground. As the officers attempted to handcuff the complainant, she resisted. After handcuffing the complainant, they walked her to their car, each officer grasping the complainant by one of her arms. The complainant grabbed this officer's baton and attempted to pull it out of his baton ring. This officer grabbed the baton back, then turned to focus on the complainant's companion, who was walking up behind the officers, while his partner attempted to place the complainant into the back of the car. This officer saw the complainant go to the ground near the open rear door. As his partner placed the complainant into the back of the car, this officer saw the back of the complainant's head make contact with the roof of the car above the door. The complainant complained that this officer's partner had slammed her head into the side of the car, so the officers summoned paramedics who examined a small laceration on the complainant's head. Both officers denied striking or kicking the complainant, or pushing her head or face into any object. Photographs of the complainant taken by police immediately following her arrest depict a reddish mark on the bridge of her nose.

Photographs of the complainant taken by Office of Citizen Complaints three days after her arrest, and by the San Francisco Police Department photo lab four days after her arrest depict a bruise on the bridge of the nose, bruises under the right bicep and on the inside of her upper right arm, two bruises on the inside of the left arm, two bruises on the top of her right thigh, a bruise on the inside of her right leg just below the knee and on her left knee, and on the outside of her right leg below the knee. Records of the complainant's medical treatment at San Francisco General Hospital immediately following her arrest document an abrasion to her scalp and alcohol intoxication, and note that the complainant was unsteady on her feet and claimed that her head had been bashed in while she was being arrested. They contain no mention of injuries to or pain in the complainant's arms or legs.

The San Francisco Chief Medical Examiner reviewed the complainant's medical records and photographs of her injuries. The medical examiner stated that the bruises to the complainant's legs are non-patterned and non-symmetrical, and that she therefore could not state that they were caused by a fist, a baton or some other object, but they could have been caused by a fall, especially one onto an uneven surface. The medical examiner stated that a contusion on the inside of the complainant's right arm appeared to be similar in size and shape to the tips of the complainant's fingers. The medical examiner stated that two bruises on the inside of the complainant's left arm show no pattern consistent with fingertips grabbing the complainant by the arm. The medical examiner stated that the abrasion to the bridge of the complainant's nose could have been caused by being pushed with slight to moderate force against an object with a narrow component, such as the screen in a police car.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/06 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #1 & 2 : (Continued) The officers used unnecessary force on the complainant.

The complainant denied grabbing an officer's baton but admitted that she may have tried to kick the officers in self-defense.

The Office of Citizen Complaints requested that the San Francisco Police Department seize and secure the baton of the officer who claimed that the complainant grabbed it, and that they test it for usable fingerprints that could potentially be matched to those of the complainant. The baton was promptly seized and secured as requested, but the San Francisco Police Department failed to test it for fingerprints. The presence of the complainant's fingerprints on the baton would have confirmed a significant element of the officer's account, and would have contradicted the account of the complainant, who denied grabbing the baton.

There are contradictions between the accounts given by the complainant and her companion and the three men in the bar concerning what transpired there. There are lesser disparities between the accounts of the two officers concerning how the complainant was taken into custody and what force was used. The complainant's medical records and photographs document a number of injuries, but there is insufficient evidence to clearly establish how she sustained them. The evidence establishes that the complainant resisted being arrested to a certain extent, and that use of force to overcome that resistance was legitimate. However, there is insufficient evidence to establish whether all the force used on the complainant, including force that may have resulted in her injuries, was proper, or whether the officers used force beyond what was justified. Therefore, there is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she and a friend went to a bar, where the complainant became involved in an argument with the bartender, who insulted her and her friend. The complainant and her friend left the bar and stood outside as a police car arrived. After the two officers entered the bar, the complainant kicked the bar's front door because she was angry. The officers exited the bar, grabbed the complainant and arrested her.

The complainant's companion stated that the complainant was drunk, refused to leave the bar when asked to and told the bartender to call the police. She saw the complainant and the bartender almost physically fighting. The complainant's companion stated that after the complainant kicked the door, the officers exited the bar, grabbed the complainant and arrested her.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/06 **DATE OF COMPLETION:** 02/11/07 **PAGE# 4 of 5**

SUMMARY OF ALLEGATION # 3 & 4 (continued) The officers arrested the complainant without cause.

One of the bartenders at the bar stated that the complainant and her friend were both drunk and verbally abusive to him. After he had them leave the bar, they kicked and banged on the door, and when he opened it they rushed in and the complainant attempted to assault him. The bartender then called the police. The bartender later told officers that he wanted to make a citizen's arrest of the complainant.

Another bar employee stated that as he tried to escort the complainant and her friend out of the bar, the complainant pushed him in the chest area and attempted to kick the bartender. Another witness who was in the bar stated that the complainant and her friend were drunk and verbally abusive, and that one of them attempted to kick the bartender. The incident report included written statements by the three witnesses, along with a citizen's arrest form signed by the bartender.

The named officers stated that as they were speaking to employees of the bar, the complainant kicked the door open and began screaming. They handcuffed the complainant and placed her in their patrol car while they conducted further investigation. One of the bar employees signed a citizen's arrest for the complainant. The evidence established that the named officers received reports that the complainant had committed a crime, and that an individual who claimed that the complainant attempted to assault him signed a citizen's arrest. Therefore, the evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant's companion stated that she did not hear an officer make the inappropriate comment. The named officer and his partner denied that the inappropriate comment was made. Three civilian witnesses stated that they were inside the bar and did not witness the complainant being arrested. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to properly process and return the complainant's property.

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

FINDINGS OF FACT: The evidence established that the action complained of did not involve a sworn member of the department. The matter was referred to the San Francisco Sheriff's Department for investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/06 **DATE OF COMPLETION:** 02/11/07 **PAGE# 5 of 5**

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

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

FINDINGS OF FACT: The complainant's companion stated that as the officers were using unnecessary force on the complainant, she started yelling and screaming for help and screaming at the officers to stop hurting the complainant. At one point, one of the officers told the complainant's friend to shut up or he would put her in the patrol car. One of the officers handcuffed the complainant's friend and placed her in a police car. After the complainant's friend protested that she was fearful of the two officers on the scene and did not want to go with them, another officer transported her to the station. One of the officers stated that he handcuffed the complainant's friend for her own safety and because she repeatedly approached him and told him that what he was doing to the complainant was not right, and because she wasn't listening to him. The second officer on the scene stated that he did not see the complainant's friend getting handcuffed, but believes she was handcuffed because she was interfering with him and his partner as they moved the complainant to their patrol car. Communications records indicate that the complainant's friend made two calls to 911 on her mobile phone to report that officers were hurting her friend and throwing her on the floor. One of the civilian witnesses at the scene stated that the complainant's friend was calm and was not doing anything physically when she was handcuffed, although he thought she should have been handcuffed earlier. He stated that he had heard the complainant's friend cursing and claiming that the officers beat up her friend. Another civilian witness stated that he did not see the complainant's friend physically resisting, but that she repeatedly used profanity and screamed that she was suing everybody, and that the officers repeatedly told her to be quiet. A third civilian witness stated that the complainant's friend was distracting the officers as they were talking to the paramedics. This witness stated that the complainant's friend was handcuffed as two other officers, a man and a woman, arrived on the scene and as the ambulance was ready to leave. One of the two sergeants who responded to the scene stated that the ambulance was on the scene for some time after she arrived, and stated that if the complainant's companion was handcuffed, it was because she attempted to interfere with the complainant's arrest. The other sergeant who responded stated that he did not recall the presence of the complainant's friend at the scene. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/06 **DATE OF COMPLETION:** 02/07/07 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION #1: The officer conducted a traffic stop without cause.

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

FINDINGS OF FACT: By a preponderance of the evidence, the officer lacked reasonable suspicion to detain the complainant.

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

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

FINDINGS OF FACT: The arrest occurred subsequent to an unreasonable traffic stop, therefore the circumstances surrounding the arrest prevent a definitive finding as to the arrest.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/06 **DATE OF COMPLETION:** 02/07/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATIONS 3, 4 and 5: The officers behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The officers denied the allegation. A witness parked nearby denied witnessing the alleged behavior but was not present during the entire interaction. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #6: The officer used a sexual slur toward the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied hearing the named member use the alleged word. A witness parked nearby denied hearing the alleged comment but was not present during the entire interaction. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/06 **DATE OF COMPLETION:** 02/07/07 **PAGE# 3 of 3**

SUMMARY OF ALLEGATIONS 7, 8 and 9: The officer used unnecessary force against the complainant.

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

FINDINGS OF FACT: The officers denied the allegation stating that they only used that amount of force necessary to detain and arrest the complaint. A witness parked nearby stated that he observed the complainant resist the officers and did not comply with officer's orders. The complainant admitted that he panicked and did not cooperate fully with the officers. There is sufficient evidence to find that the actions of the officers were lawful, proper and justified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainant's son without cause

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

FINDINGS OF FACT: The complainant stated that her son was arrested without any apparent reason. Three officers involved in this incident stated that they arrested the complainant's son because two witnesses to an assault with a deadly weapon case identified him as a suspect. According to the officers, for this crime, the complainant's son's probation was revoked and he was sentenced to jail time. The Department and Court records corroborated these statements. The evidence showed that the officers acted properly and within the law.

SUMMARY OF ALLEGATION #4: The officer harassed the complainant's son.

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

FINDINGS OF FACT: The complainant stated that her son, who was on probation for gang and guns related crimes, was harassed by various San Francisco Police Department officers on several occasions. The complainant was not present on either of those occasions. The complainant's son did not respond to numerous OCC's requests for an interview. The available evidence was insufficient to identify the officers responsible for the alleged misconduct or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: The officer made inappropriate comments to the complainant's son

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

FINDINGS OF FACT: The complainant stated that her son, who was on probation for gang and guns related crimes, was subjected to inappropriate comments from various San Francisco Police Department officers on several occasions. The complainant was not present on either of those occasions. The complainant's son did not respond to the several OCC's requests for an interview. The available evidence was insufficient to identify the officers responsible for the alleged misconduct or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that her son told her his money was missing after their residence was searched by several police officers. The complainant's son was not present during this incident. The complainant's son did not respond to several OCC's requests for an interview. The available evidence was insufficient to identify the member(s) responsible for the alleged misconduct or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/14/06 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he was trained in the San Francisco Police Department academy that the primary collision factor in any collision involving a driver under the influence of alcohol or drugs is always the applicable alcohol or drug vehicle code section. The witness officer corroborated the officer's understanding of the proper coding for a DUI driver involved in a traffic accident. The academy instructor of DUI traffic collision investigations, stated the officer misinterpreted what he taught in the academy. The academy instructor said a DUI driver is listed as the primary collision factor, if that person is found to be most responsible in the collision. The academy instructor said the misinterpretation is common and contributes this error to problems in the field-training program, the lack of standardization in report writing, and communication failures.

The academy instructor stated it was appropriate to list the complainant as the primary collision factor, however, the reporting officer should have charged the complainant with 22350 VC-Speeding, as well. The evidence proved that the action complained of was the result of inadequate training or the absence of needed training when viewed in light of Departmental policy and procedure.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he conducted a thorough investigation by conducting a field interview with all parties and witnesses involved. The officer said he estimated the area of impact based on eyewitness accounts, the location of the damage and debris from the involved vehicles. The witness officer stated he completed the DUI required forms to attach to the named officer's report. The witness officer said the traffic collision report accurately reflected his observation of the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/05 **DATE OF COMPLETION:** 02/23/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer learned through an investigation that the complainant sought to harm 28 specific individuals. Based on the totality of the circumstances the officer arrested the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The handcuffing was incident to an arrest. All persons placed under arrest and transported by the San Francisco Police Department are handcuffed prior to transport. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/05 **DATE OF COMPLETION:** 02/23/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION # 3: The officer seized medical documents without cause.

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

FINDINGS OF FACT: The complainant stated that the officer sought to review his medical records without cause. In fact, it was the complainant's own revelations to his primary care physician that prompted his primary care physician to contact the San Francisco Police Department. The officer did what was reasonable and prudent, conducting a further investigation. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The identity of the alleged officers has not been established. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/06 **DATE OF COMPLETION:** 02/26/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was assaulted at a club. The complainant alleged he was the injured party. Police were summoned and the complainant alleged that a responding officer or officers made inappropriate remarks aimed at forcing him to drop his complaints. The Office of Citizen Complaints contacted the witness. The witness declined to cooperate with the investigation. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-4: The officers failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The complainant stated he wished to pursue a citizen's arrest against various persons at a local club. The complainant stated that he was assaulted during a disagreement that began inside the club. Police were summoned. The complainant stated he sought to press charges against the person(s) who allegedly assaulted him, but claimed that the officers would not take his citizens arrest. The officers denied the allegation. The emergency dispatch audio records confirm that a dispute occurred inside the club prior to the arrival of police. The witness declined to cooperate with the investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/06 **DATE OF COMPLETION:** 02/26/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-7: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers failed to conduct a thorough investigation. The officers denied the allegation, stating that they spoke to the complainant, countering that he was uncooperative and that he left the scene “in a taxi.” The witness declined to cooperate with the Office of Citizen Complaints’ investigation. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS 8-9: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated that he was injured following an alleged assault he suffered inside a club and alleged the police officers failed to summon an ambulance. The officers denied the allegation, stating that they summoned an ambulance. Independent evidence, provided by the Department of Emergency Communications, confirms that the officers summoned an ambulance for the complainant. The evidence proved that the act by the members occurred and the act was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1-2: The officers displayed inappropriate behavior and made threatening comments.

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

FINDINGS OF FACT: The officers denied the allegation, stating they were professional and calm. The officers denied making or hearing any inappropriate or threatening comments to the complainant. The officers acknowledged concern that the complainant was in some sort of distress, due to the complainant's incessant horn honking and the complainant's animated hand gestures within his vehicle. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers denied the allegation, stating the complainant initiated his horn honking in an incessant manner, which caused the officers to check on the well being of the complainant. The officers detained the complainant to determine if an emergency existed or if the complainant was in distress. During the brief detention, the officers determined the complainant was not in distress and an emergency did not exist. The complainant was found to be in violation of a vehicle code section. One officer requested the complainant's driver's license for identification. The other officer returned the driver's license to the complainant and the complainant was admonished. The complainant admitted honking his horn more than once at the officers for a non-emergency reason. There were no other witnesses. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/06 **DATE OF COMPLETION:** 02/05/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #5: The officer used unnecessary force during a detention.

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not grab the complainant by the base of his neck, nor did he threaten to shoot the complainant with his weapon. The witness officer stated he did not observe the named officer make any physical contact with the complainant. The witness officer said he did not hear the named officer threaten the complainant with his weapon. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he never gripped his weapon, never drew his weapon, and never unsnapped his gun holster while in contact with the complainant. The officer said he never made any gestures towards his weapon at the complainant. The witness officer stated he did not observe the named officer place his hands on or near his weapon towards the complainant. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation, stating he approached the complainant and asked him what was going on and if everything was all right. The witness officer said he observed the named officer inquire as to the reason for the complainant's horn use in a calm and professional manner. There were no other witnesses. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity and sexually derogatory language.

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

FINDINGS OF FACT: The complainant stated that the officer, to whom she is related, called her and left an angry message on her answering machine that included profanity and a sexual slur. The officer admitted making the phone call and using profanity and a sexual slur, but stated she considered it to be a personal phone call. A voice-mail recording confirmed that the officer used profanity and sexually derogatory language. The evidence established that the officer used profanity and sexually derogatory language, but that the officer's actions were not done in connection with her official duties. The complaint was referred to the San Francisco Police Department's Management Control Division.

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

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

FINDINGS OF FACT: The complainant stated that during a telephone conversation with the officer, to whom she is related, the officer threatened to have the complainant arrested and referred to the complainant's criminal record. The officer denied threatening the complainant or referring to her criminal record. There were no witnesses to the conversation. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/06 **DATE OF COMPLETION:** 02/06/07 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant alleged the officer misappropriated her payment at the Traffic Window. The officer denied the allegation. There were no identified witnesses subject to the OCC investigation. There is insufficient evidence either to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to investigate the whereabouts of the payment she made at the traffic window, other than taking a cursory look around the payment counter. The officer stated he did not know there was a complaint requiring him to undertake an investigation. There were no identified witnesses subject to the OCC investigation. There is insufficient evidence either to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/06 **DATE OF COMPLETION:** 02/06/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The department failed to implement a video-recording system.

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

FINDINGS OF FACT: The complainant alleged the department failed to monitor and record payment transactions at the Traffic Window. The investigations conducted by SFPD Special Investigations and the OCC noted the payment transactions are not systematically documented, such that prospective witnesses visiting the traffic window at or near the time of the incident may be identified and interviewed. While the evidence does not support the department violated a policy, procedure, or regulation by not installing video-recording equipment or implementing a system which tracks the date and time of visitors to the Traffic Window, the OCC recommends a change in the existing security measures to document payment transactions at the Traffic Window.

SUMMARY OF ALLEGATION #4: The department failed to accept tow fees by credit card.

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

FINDINGS OF FACT: The complainant alleged the department failed to accept a secured payment by credit card, requiring the release of vehicles by payments in cash or cashier's check. The OCC investigation determined there was no policy violation in assuring certain payment by cash or cashier's check from visitors seeking the release of their vehicle. The evidence provided that the acts, which provided the basis for the allegation, occurred, however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/06 **DATE OF COMPLETION:**02/01/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he had a red light on his kayak, which had strobe and solid capability. This type of equipment is prohibited on civilian marine vessels, per applicable law. The complainant stated that he had switched his light from strobe function, and then to solid function and then off, upon the officer's orders. He alleged that when he spoke to the officer during the contact, the encounter became hostile and he was subsequently detained by the named officer on a retaliatory basis, even though he had complied with the officer's orders. The officer denied the allegation, stating that the complainant had improperly used the prohibited equipment and the detention was proper. The witnesses interviewed by the Office of Citizen Complaints provided conflicting evidence with regard to the incident. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officer was verbally abusive to him. The complainant stated that the officer essentially "browbeat" him while he was detained. The officer denied the allegation. The witnesses interviewed by the Office of Citizen Complaints recalled that the officer was threatening, but failed to provide consistent specifics with regard to the allegation. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/06 **DATE OF COMPLETION:**02/01/07 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged the officer wrongfully threatened to arrest him for failure to present identification, have Animal Care and Control impound his dog, and seize his kayak. The officer denied the allegation. The witnesses interviewed by the Office of Citizen Complaints provided conflicting evidence with regard to the incident. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged that as he was being detained in his kayak, another friend paddling in a neighboring kayak came over to see what was wrong or how if he could render aid. The officer ordered the onlooker to leave or face receipt of a citation. The officer denied the allegation. The witness stated that he stayed a safe distance away, but the officer had a threatening and unpredictable demeanor, that changed from one moment to the next. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/06 **DATE OF COMPLETION:**02/01/07 **PAGE#** 3of 3

SUMMARY OF ALLEGATION #5: The officer failed to issue the complainant a certificate of release.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to issue him a certificate of release, based on the length of time he had been detained. The officer denied that the complainant was denied for an excessive period of time. The witnesses interviewed by the Office of Citizen Complaints provided conflicting evidence with regard to the length of time the complainant was detained. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/06 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he saw the officer handling a detainee roughly. The named and one witness officer denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer engaged in inappropriate behavior by searching a female detainee.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/06 **DATE OF COMPLETION:** 02/11/07 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The named officer stated that she detained the complainant because a unit requested that she make the traffic stop of the complainant's car. Two witness officers stated that an officer called the named member and requested she conduct a traffic stop. The evidence proved that the act that provided the basis for the allegation did occur; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that he did not impede traffic, and that he did not unsafely pass on the right. The named officer denied the allegation, stating that he observed the violations. One witness officer, while providing an account of the incident that differed from that of the named officer, also stated that he observed the violations for which the complainant was issued a citation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/06 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. One witness officer stated that she was not present for the entire contact with the complainant and did not hear the alleged comments. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#**1of 1

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

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

FINDINGS OF FACT: The complainant stated that she and two companions were sitting on a stairway in a park, talking when the officer approached, accused them of drinking a partially-full bottle of beer located on the steps above them, and told them that drinking beer in the park was prohibited. The complainant denied that she or her companions had been drinking beer. The officer ordered the complainant and her companions to leave the park. One of the complainant's companions stated that the officer initiated the contact by stating that the police had been receiving complaints about them, then saw an empty bottle of beer in the bushes five feet away and accused them of drinking it. The officer then told them to leave the park. The third individual who was present could not be contacted. The officer stated he saw the three individuals on the landing of the stairway and told them that police had received a complaint about people drinking and loitering on the stairs. The officer saw a half-full bottle of beer that was cold to the touch located several inches away from one of the men. The officer poured out the beer and told the three individuals to leave the park. There was insufficient evidence to establish whether or not the complainant and her friends were in possession of the beer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he and another street performer, with whom he has had an ongoing dispute, got into a physical confrontation during which the complainant beat the other man. Two non-uniformed officers who were arresting a man nearby ignored the fight. When the complainant saw a marked police car approaching, he began to leave. As the complainant walked past the officers, he made threats against the other man. The officers did not detain the complainant. The complainant returned to the scene of the fight a short time later, and saw the man he'd fought with calling the police. As the complainant left, he saw two uniformed officers approaching. The star number for one of these officers that the complainant provided belongs to an officer from a non-patrol unit who was not working on the day of this incident. The description of this officer that the complainant provided different significantly from that of two officers who did respond to a report of a verbal altercation at this location. Two non-uniformed officers who were involved in an arrest nearby stated that they were unaware of any altercation at the time and location described by the complainant. Two uniformed officers who responded to a report of a verbal altercation at this location stated that only one party was present, and that no report was requested. The complainant failed to respond to a request for additional information necessary for OCC to identify the officers he is complaining about.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/05 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION #1: The officer used force during the traffic stop.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/05 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #4-5: The officers engaged in an inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The officers are no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/05 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #6: The officer failed to properly investigate.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #7: The officer failed to properly process property.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/05 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #8: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #9: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/05 **DATE OF COMPLETION:** 02/24/07 **PAGE# 5 of 5**

SUMMARY OF ALLEGATION #10: The officer failed to accept a complaint.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #11: The officer failed to provide name and star number upon request.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers threatened the complainant and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that as she walked by a particular location, officers yelled threats to the complainant and made inappropriate statements to her. The officers denied the allegation. There were no witnesses. There is insufficient evidence either to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that as she walked by a police action, and officer yelled invalid orders to her while she attempted to observe and photograph police operations from a safe distance. The officer denied the allegation, stating that the complaint had happened upon the location of a hot prowl burglary investigation, that he had drawn his service weapon and the complainant was not in a position of safety. As a consequence, the officer stated that he ordered the complainant to move further away. There were no witnesses. There is insufficient evidence either to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/06 **DATE OF COMPLETION:** 02/18/07 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The officer denied making the alleged comments. Witness officers denied hearing the named member make the alleged comments. No other witnesses were available. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer responded to a 911 call regarding trespassing. During the investigation the reportee identified the complainant. The officer had reasonable suspicion to detain.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/06 **DATE OF COMPLETION:** 02/18/07 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #3 and 4: The officers conducted themselves in an inappropriate manner.

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

FINDINGS OF FACT: The complainant complained that the officers unnecessarily raised their voice at her. The complainant admittedly argued with and challenged the actions of the officers in a loud manner. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant admitted to the officer that there was an illegal substance in the vehicle at the time of the detention. The subsequent arrest was therefore justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #6: The officer used unnecessary force.

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

FINDINGS OF FACT: The officer denied committing the alleged act. Witness officers denied witnessing the alleged act. There were no other available witnesses. The Sheriff's Department who receives arrestee's refused to admit the complainant and she was treated for a head contusion and headache at the hospital. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer caused damage to the complainant's vehicle.

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

FINDINGS OF FACT: The complainant did not witness the search of her vehicle. The searching officers denied causing any damage to the vehicle during the search. The SFPD relinquished possession of the vehicle to a private auto storage service where it was examined and determined to have been damaged by the complainant. The investigation was unable to identify any member who may have caused the alleged damage to the complainant's vehicle. The vehicle was not within the SFPD's possession and control during the entire period of its storage. There is insufficient evidence to reach a definitive finding as to this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #8: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The tow was based on the complainant not having a valid driver's license. The complainant said the vehicle was parked at the time of the incident. The officer said when she approached the vehicle the engine was running. In either case, the vehicle was not in motion at the time of the detention. The complainant admitted to the officer that she was in possession of illegal drugs at the time of the incident. During the officer's investigation while at the scene, suspected illegal drugs were found in the vehicle. There is an unresolved factual dispute as to whether or not there was a violation of the vehicle code that was the articulated cause for the tow of the vehicle. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #9: The officer drove in an unsafe manner.

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

FINDINGS OF FACT: The evidence proved that the named member was not involved in the acts alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer failed to preserve evidence. The officer is no longer with the San Francisco Police Department due to his retirement.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer mislead him by agreeing to preserve the evidence list and he did not return his calls. The officer is no longer with the San Francisco Police Department due to his retirement.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/06 **DATE OF COMPLETION:** 02/12/07 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: All officers denied using or seeing any other use unnecessary force. There were no other identified witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS 3 and 4: The officers used profanity.

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

FINDINGS OF FACT: All officers denied using or hearing any officer use profanity. There were no other identified witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/06 **DATE OF COMPLETION:** 02/12/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATIONS 5 and 6: The officers made inappropriate comments.

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

FINDINGS OF FACT: All officers denied using or hearing any other officer make the alleged comments. There were no other identified witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer drove in an inappropriate manner.

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

FINDINGS OF FACT: The evidence is inconclusive as to who was driving the unit. The transporting officers denied the allegation. There were no other identified witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/06 **DATE OF COMPLETION:** 02/12/07 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #8: The officer drove in an inappropriate manner.

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

FINDINGS OF FACT: The investigation disclosed that the officer was not present in the transporting vehicle.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to prepare a complete and accurate report.

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

FINDINGS OF FACT: The officer denied the allegation, stating the incident report he prepared was complete, accurate, and truthful. The officer said the report reflects the complainant's allegation and statements just as she reported. The witness officer corroborated the account of the officer, and confirmed the complainant's concerns as indicated in the Incident Report. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he was professional, respectful, and sympathetic towards the complainant during the contact. The officer said he listened to her concerns, interviewed the other party, and inspected the area around the complainant's vehicle. The officer stated the complainant did not make a criminal complaint against the other party and the complainant did not request an Incident Report on January 8, 2006. The witness officer corroborated the account of the actions and demeanor of the named officer. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/04 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION # 1: The officer used unnecessary force at the scene.

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

FINDINGS OF FACT: The complainant stated the officer unnecessarily fired multiple rounds at an individual with an Extended Range Impact Weapon (ERIW), i.e., a “bean bag shotgun,” The officer stated that the subject was armed with a knife and did not respond to commands or to lesser use of force, including OC spray. The officer stated he fired the ERIW because the subject threatened officers with a knife and threw a chair and soda cans. The officer stated he used multiple beanbags at the subject in order to stop the threat and gain control. . The witnesses stated the subject was uncooperative, aggressive, and brandished a knife. The subject could not be located and interviewed. There is no dispute the ERIW was used to subdue an armed subject, but there is insufficient evidence to establish whether the number of ERIW rounds fired was necessary to accomplish custody.

SUMMARY OF ALLEGATION # 2-5: The officers used unnecessary force at the scene.

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

FINDINGS OF FACT: The complainant stated the officers use pepper spray on the subject and pinned his arms to the ground with a chair and with their feet when they arrested the subject. The officers stated they used OC spray in an attempt to gain control of a knife-wielding subject who refused to comply with verbal orders, and that they held the subject’s knife hand down with a chair and with their feet to gain control of the knife. The witnesses stated the subject was armed with a knife and was attacking the officers. The subject could not be located and interviewed. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/04 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION # 6: The SFPD failed to adequately respond to a mental health crisis.

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

FINDINGS OF FACT: The complainant stated the subject might have been suffering from a mental illness. The complainant stated the officers should have been prepared to use crisis-intervention techniques to pacify the subject. The Department does provide a 40-hour course of Crisis Intervention Training. One of the officers at the scene did have the Department training. This officer stated that the Department training emphasized officer safety and gaining control of the scene first. This officer stated that the officers were unable to effectively communicate with the suspect because the suspect's utterances consisted of unintelligible, non-verbal grunting. One officer stated that the suspect threatened the officers with a bladed weapon, and that the officers' first priority was to gain the suspect's compliance or otherwise terminate the threat. OCC's review of the Department's Crisis Intervention Training, conducted in another investigation and including an interview with the Department's coordinator of the training, disclosed that , in a situation where a person is armed and threatening officers or others with deadly force, the first priority is to address the physical threat. Other model law enforcement crisis intervention programs recognize that persons in a mental-health related crisis situation often have weapons. Such training programs provide officers with tools to defuse such situations without resorting to force. The Department's Crisis Intervention Training and Department crisis intervention policy and training are the subject of ongoing OCC policy analysis.

SUMMARY OF ALLEGATION # 7: The officers failed to provide a translator.

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

FINDINGS OF FACT: The complainant stated the officers should provide better language support when responding to incidents that are monolingual or have minimal comprehension of English in order to reduce miscommunications and misunderstandings that result in violence. The officers stated at the scene they were faced with a non-cooperative and threatening subject who was armed with a deadly weapon. The officers stated that the suspect did not respond to commands and his utterances consisted of unintelligible, non-verbal grunting. Department policy for the provision of language access at the time of this incident was limited to a Department Bulletin recommending, but not mandating, that officers "...should summon the assistance of a translator." In coordination with the Department, the OCC has developed a proposed Department General Order (DGO) mandating the provision of interpretation and/or translation services to Limited English Proficient (LEP) persons. The proposed DGO is nearing final adoption as of the date of this report.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 02/07/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 29, 2007.

SUMMARY OF ALLEGATION #2: The officer used profane language

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 29, 2007.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 02/07/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to provide name and star number upon request.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 29, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 02/07/07 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-5: The officers unlawfully entered a residence without a search warrant.

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

FINDINGS OF FACT: The officers stated they entered the residence to serve a felony arrest warrant. They stated they did not have a search warrant. Entering a residence without a search warrant, consent or exigent circumstance is prohibited by Department General Orders, California State law and the Fourth Amendment to the United States Constitution. The allegation was sustained.

SUMMARY OF ALLEGATIONS #6-10: The officers unlawfully searched a residence without a search warrant.

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

FINDINGS OF FACT: The officers stated they entered and searched the residence to serve a felony arrest warrant. They stated they did not have a search warrant. Entering and searching a residence without a search warrant, consent or exigent circumstance is prohibited by Department General Orders, California State law and the Fourth Amendment to the United States Constitution. The allegation was sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 02/07/07 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #11-12: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers stated they detained the complainant when the complainant refused to allow officers to enter the residence without a search warrant. The officers acknowledged that they did not have a search warrant. Entering a residence without a search warrant, consent or exigent circumstance is prohibited by Department General Orders, California State law and the Fourth Amendment to the United States Constitution. The allegation was sustained.

SUMMARY OF ALLEGATION #13: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officer stated he handcuffed and detained the complainant when the complainant refused to allow officers to enter the residence without a search warrant. The officer acknowledged that he did not have a search warrant. Entering a residence without a search warrant, consent or exigent circumstance is prohibited by Department General Orders, California State law and the Fourth Amendment to the United States Constitution. The allegation was sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 02/07/07 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #14: The officer applied handcuffs too tightly.

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

FINDINGS OF FACT: The officer denied applying the handcuffs too tightly. The complainant stated he was too intimidated to ask the officer to loosen the handcuffs. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #15-16: The officers threatened to arrest the complainant without cause.

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

FINDINGS OF FACT: The officers stated they told the complainant that he could be arrested for interfering with an investigation when the complainant refused to allow officers to enter the residence without a search warrant. The officers acknowledged that they did not have a search warrant. Entering a residence without a search warrant, consent or exigent circumstance is prohibited by Department General Orders, California State law and the Fourth Amendment to the United States Constitution. The allegation was sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 02/07/07 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #17-19: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The officers denied behaving inappropriately and making inappropriate comments. There were no available witnesses and no additional evidence to further prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers denied the allegation, stating they listened to the complainant's issues and complaints of her neighbor, investigated, and mitigated the situation. Both officers said they advised the complainant that the matter was not of a criminal nature. The officers advised the complainant of tenant resources to contact regarding her concerns with her neighbor. One officer stated the complainant advised them that another officer had taken a prior report regarding the same incident. The other officer said he had personal knowledge that a report had been prepared three days prior regarding similar complaints against the same neighbor. No other witnesses came forward. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/09/06 **DATE OF COMPLETION:** 02/03/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed the complainants.

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

FINDINGS OF FACT: The officer stated the complainants made this complainant because he was regularly arresting them, pursuant to a citizen's arrest, for trespassing. The citizen stated that he has been trying to evict one complainant who has never paid rent. The citizen stated both complainants have no legal right to be on his property. The citizen further stated that the complainants have made death threats to him. One complainant was issued a court order to stay away from this citizen's real property. According to court records, the complainants have been arrested for dealing methamphetamine on the citizen's property. The officer's actions are proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. No other witnesses came forward.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. No other witnesses came forward.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/06 **DATE OF COMPLETION:** 02/18/07 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. No other witnesses came forward.

SUMMARY OF ALLEGATION #7-8: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. No other witnesses came forward.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/06 **DATE OF COMPLETION:** 02/18/07 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #9-10: The officers searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. No other witnesses came forward.

SUMMARY OF ALLEGATION #11-12: The officers displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. No other witnesses came forward.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/06 **DATE OF COMPLETION:** 02/22/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take an Incident Report.

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

FINDINGS OF FACT: The complainant stated that she tried to make a report concerning threats made against her and her family. The named officer acknowledged speaking to the complainant, but denied the allegation, stating that he did not recall any claim of threats. There were no witnesses to the exchange. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness did not overhear the full context of the conversation between the complainant and the officer. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer discriminated against the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The one identified witness observed no discriminatory treatment. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/06 **DATE OF COMPLETION:** 02/05/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer conducted an incomplete investigation.

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

FINDINGS OF FACT: The officer denied the allegation. There were no other identified witnesses, specifically the two parties involved in the traffic incident. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The officer denied the allegation. There were no other identified witnesses, specifically the two parties involved in the traffic incident. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 1 of 11

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

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

FINDINGS OF FACT: The named member stated that he detained the complainant for a traffic violation. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 2 of 11

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

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

FINDINGS OF FACT: The named member stated that he arrested the complainant for a traffic violation, public drunkenness and for delaying police investigation. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 3 of 11

SUMMARY OF ALLEGATION #5: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 4 of 11

SUMMARY OF ALLEGATION #7: The officer used excessive force during the arrest.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 5 of 11

SUMMARY OF ALLEGATION #9: The officer handcuffed the complainant excessively tight.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer handcuffed the complainant excessively tight.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 6 of 11

SUMMARY OF ALLEGATION #11: The officer failed to loosen handcuffs upon request.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer failed to loosen handcuffs upon request.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 7 of 11

SUMMARY OF ALLEGATION #13: The officer made inappropriate comments.

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

FINDINGS OF FACT: The named member denied making the alleged comments. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 8 of 11

SUMMARY OF ALLEGATION #15: The officer failed to provide prompt medical assistance.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer failed to provide prompt medical assistance.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 9 of 11

SUMMARY OF ALLEGATION #17: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #18: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 10 of 11

SUMMARY OF ALLEGATION #19: The officer interfered with the rights of on-lookers.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #20: The officer threatened an on-looker.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/02 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 11 of 11

SUMMARY OF ALLEGATION #21: The officer wrote inaccurate police report.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. The officer's partner resigned from the Department and was no longer available for Office of Citizen Complaints questioning. Three other officers, who responded to the scene of this incident, in essence, supported the named member's statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/04 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant, who admitted running from the scene of a shooting, was detained because the officer saw him running from the scene. The officer's conduct was proper.

SUMMARY OF ALLEGATION #2: The officers detained the complainant for an unreasonable length of time

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

FINDINGS OF FACT: Two officers stated that the complainant was not detained at the station; rather, he volunteered to stay and cooperate with the investigation. One officer was on extended leave and not available for questioning during the pendency of the OCC investigation. The investigation was not able to establish if or by whom the complainant may have been unreasonably detained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/04 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer searched his residence without cause on consent. The named officer stated that an officer heard gunfire and, when the officer went to location of the gunfire, he saw the complainant running away from the area and detained the complainant. Several officers then went to various residences in the immediate area to conduct well-being checks to determine if there were victims inside. A witness, the complainant's neighbor, allowed the named officer and several unknown officers to enter the garage and gain access to complainant's room to "look for dead bodies." The named officer stated that the officers conducted a sweep of the room, but did not conduct a search. There is insufficient evidence to establish whether or not there were exigent circumstances sufficient to justify the officers' entry, nor is there sufficient evidence to establish whether a search occurred.

SUMMARY OF ALLEGATION #5: The officer threatened to break down the complainant's garage door.

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

FINDINGS OF FACT: The complainant stated that his neighbor told him that she opened the garage door because she did not want the police to break it down. The neighbor stated she let the officers in because she did not want them kicking in the garage door. When asked why she thought they would kick in the door, the neighbor said, "That's what police do." When asked if the officers told her they were going to kick in the door, the neighbor said she did not remember. There is insufficient evidence to prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/04 **DATE OF COMPLETION:** 02/11/07 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #: 6-7: The officers failed to secure the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers did not close and secure the garage door entrance to his residence. The officer in charge stated the resident of the property who opened the door locked it after the officers had cleared the unit. The resident said she did close the door after the officers left. There is insufficient evidence to establish whether the property was left unsecured.

SUMMARY OF ALLEGATIONS #8-9: The officer searched the complainant's car without justification.

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

FINDINGS OF FACT: The named officer stated a car was searched for a gun. The car was within the crime scene and was connected to a suspect (the complainant.) Bullet casings and a spent round were found near the vehicle. There is insufficient evidence to establish whether or not exigency justified the search of the vehicle.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/06 **DATE OF COMPLETION:** 02/06/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not recall the complainant asking him to be allowed to change into appropriate attire. Two witness officers stated they did not hear the complainant ask to change his clothing. The named officer stated in fact, he suggested the complainant select clothing to bring along. However, the complainant became occupied in yelling at the victim and did not focus on clothes selection. The officer stated the complainant's aggressive demeanor towards the victim, hastened the complainant's removal from the scene. The witness officers corroborated the complainant was hostile and argumentative. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2-3: The officers failed to allow the complainant to change into appropriate attire.

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

FINDINGS OF FACT: The named officers denied the allegation, stating the complainant was appropriately dressed. One of the named officers stated there are no specific requirements in regards to proper attire of an arrestee. The other officer stated the complainant was arrested in his sleepwear, due to officer's safety and the victims' continued safety. Both officers corroborated the main concern is officer safety and the victim's safety. One officer stated the issue of allowing an arrestee to change clothing can be facilitated when the situation allows. The witness officer stated the complainant was fully dressed from top to bottom. There is no requirement for the officers to allow an arrested subject to a change of clothing. The action being complained is lawful, proper and reflect common sense on behalf of the officers.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 1 of 6

SUMMARY OF ALLEGATION #1-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant said the officers arrested him without cause. The officers denied the allegation and stated that they arrested the complainant for possession of suspected based rock cocaine. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-6: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The complainant said the officers failed to identify themselves as police officers prior to the contact. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 2 of 6

SUMMARY OF ALLEGATION #7-8: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant said the officers used unnecessary force during the contact. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9-10: The officers used profanity.

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

FINDINGS OF FACT: The complainant said the officers used profanity. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#**3of 6

SUMMARY OF ALLEGATION #11-12:The officers used a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant said the officers used a sexually derogatory comment when they arrested him. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer used racially derogatory comment.

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

FINDINGS OF FACT: The complainant said the officer uttered a racially derogatory comment to him while he was in custody. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 4 of 6

SUMMARY OF ALLEGATION #14: The officer aimed his weapon toward the complainant without justification.

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

FINDINGS OF FACT: The complainant said the officer aimed his weapon towards him for no reason while he was in custody at the station. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer failed to provide medical attention.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #16: The officer conducted an improper search.

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

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

SUMMARY OF ALLEGATION #17: The officer selectively enforced the law against the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #18: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said the officer planted drugs on him during the arrest. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #19: The officer failed to properly process property.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside of OCC jurisdiction

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

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

Mr. Tony Novello
Department of Parking and Traffic
505 7th Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/07 **DATE OF COMPLETION:** 02/08/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: Neglect of Duty for not taking required action.

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

FINDINGS OF FACT: The complainants wanted the officer to call a Filipino officer although they both have no problems communicating in English. There is no duty for any officer to call another officer not a supervisor if there is not a language problem. The evidence proved that a neglect of duty did not occur.

SUMMARY OF ALLEGATION #2: Conduct Reflecting Discredit for inappropriate behavior.

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

FINDINGS OF FACT: The complainants alleged that the personnel at Park Station were inappropriate because no one let them talk with a specific officer they requested to see. They were informed that this officer was not available, and there is no duty to call a specific officer not a supervisor to speak with the public. The complainants also felt “terrorized” because they were told to move their car out of the police parking lot driveway. This is a requirement of proper police business. The complainants also stated that they felt it was inappropriate that no one invited them into the station when they were outside for 6 hours. There is no need for an invitation to be extended by the police and not doing so is not inappropriate. The evidence proved that conduct reflecting discredit did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/07 **DATE OF COMPLETION:** 02/08/08 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: Conduct Reflecting Discredit for inappropriate behavior.

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

FINDINGS OF FACT: The complainants alleged that the personnel at Taraval Station were inappropriate because one officer told one of the complainants not to walk on the freeway, and the complainant ran into traffic on the free way, causing the officer to stop him. This was appropriate behavior by the officer. The complainant also alleged that officers he could not identify acted inappropriately, but he was unable to provide any evidence of this. The evidence proved that conduct reflecting discredit did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/06 **DATE OF COMPLETION:** 02/18/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The investigation was unable to identify the officer who spoke to the complainant on the street. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/06 **DATE OF COMPLETION:** 02/07/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 31, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/06 **DATE OF COMPLETION:** 02/24/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer issued a citation (stop sign) without cause.

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

FINDINGS OF FACT: The officer denied the allegation, stating he observed the complainant fail to stop at a posted stop sign at an intersection. The complainant initially wrote that she told the officer she thought she came to stop at the stop sign. During the OCC interview, the complainant stated she may have rolled through the stop sign. There were no other witnesses. 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 issued a citation (seatbelt) without cause.

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

FINDINGS OF FACT: The officer denied the allegation, stating he observed the complainant fail to stop at a posted stop sign with her seatbelt unfastened while operating a motor vehicle upon a highway. The officer said the complainant's seatbelt was unfastened and loose over her left shoulder. The complainant said she had her seatbelt on while driving. The complainant stated she pulled the shoulder strap off her shoulder, with the lower lap belt still in place, to search the side pocket in her vehicle. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/06 **DATE OF COMPLETION:** 02/24/07 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he was courteous and professional during the traffic stop as he always is. The officer said he advised the complainant of the reason for the stop, asked if she had a lawful reason for making the violations, and requested to see her driver's license and vehicle insurance information. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complainant.

SUMMARY OF ALLEGATION #4: The officer failed to return property in a timely manner.

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

FINDINGS OF FACT: The officer admitted that he inadvertently kept the complainant's license. The officer stated once he discovered that he had not returned the driver's license to the complainant, he took appropriate actions to ensure her license was returned in an expeditious manner. The officer stated he returned to the station to make contact with the complainant, when the station keeper informed him the complainant had called and was on her way to the station to retrieve her driver's license. The OCC investigation revealed approximately two hours and fifteen minutes elapsed between the time of the traffic stop and the complainant's driver's license being returned to the station. During that time, the officer handled five different calls, including a petty theft involving the preparation of an incident report. No other witness came forward. There is insufficient evidence to show that the allegation rises to a level of misconduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/06 **DATE OF COMPLETION:** 02/18/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used intimidating behavior.

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

FINDINGS OF FACT: The complainant felt she was going to be assaulted by the officer. The complainant stated the officer got close and screamed at her. The officer stated he had no contact with the complainant. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used harsh and profane language.

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

FINDINGS OF FACT: The complainant stated the officer yelled, screamed, and shouted at her. The complainant stated the officer called her stupid. The complainant stated the officer swore at her many times. The officer stated he had no contact with the complainant. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/06 **DATE OF COMPLETION:** 02/09/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant and the complainant's guardian failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers failed to follow proper crowd control procedures.

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

FINDINGS OF FACT: One officer stated he was following the orders of his commanding officers when he “walked” his motorcycle through a parade for traffic purposes. The officers’ commanding officers stated they ordered this officer to close the gaps in the parade by walking his motorcycle through the parade and making announcements to the crowd over his loudspeaker. Two witnesses stated they observed the officer inching along, using his feet as brakes, and telling the parade-goers to move on. A videotape provided by the complainant showed the officer slowly walking his motorcycle through the parade and politely asking parade-goers to keep moving. The officers did not violate crowd control procedures. Their conduct was proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/06 **DATE OF COMPLETION:** 02/05/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This allegation will be referred to:

Bay Area Rapid Transit Police
800 Madison Street
Oakland, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: Each officer denied behaving inappropriately and making inappropriate comments. Each officer further stated they did not observe other officers behaving inappropriately or making inappropriate comments. One witness stated she saw two officers outside the complainant's apartment building laughing with other involved parties. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/06 **DATE OF COMPLETION:** 02/14/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 2, 2007.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 2, 2007.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers used inappropriate behavior.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to accept a private person's arrest.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to accept a private person's arrest. The officer stated that his investigation failed to establish probable cause for the arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses interviewed by the OCC also denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: Department General Order 6.18 allows officers to make a warrant check on a person if the person is under investigation for a criminal offense and the officer has reason to believe that the person may have an outstanding warrant. The officer stated that after discovering through a warrant check that the complainant had a search condition, the officer searched the complainant. OCC's investigation established that the complainant was the reporting party and was not the subject of 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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/06 **DATE OF COMPLETION:** 02/12/07 **PAGE#** 1 of 2

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/06 **DATE OF COMPLETION:** 02/12/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officers behaved inappropriately and used inappropriate language.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/06 **DATE OF COMPLETION:** 02/23/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer exhibited rude behavior.

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

FINDINGS OF FACT: The complainant stated that officer was rude and demanded her driver's license, registration, and proof of insurance without giving an explanation of why she was stopped. The officer denied the allegation. There were no witnesses as to the initial contact between the officer and complainant. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she stopped at all the stop signs. The officer stated the complainant failed to make a complete stop. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/06 **DATE OF COMPLETION:** 02/23/07 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: The officer misrepresented the truth

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

FINDINGS OF FACT: The complainant stated that, in a Traffic Court Response, the officer lied about the complainant using profanities during this incident. The officer denied the allegation. The witness officers stated that they did not recall the complainant using profanities however they recalled hearing the complainant yell at the officer while the officer was transmitting over the radio. The CAD recording sent to the Office of Citizen Complaints does not capture the complainant yelling. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/05 **DATE OF COMPLETION:** 02/17/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Documentation needed to investigate this complaint is no longer available. The events involved in this complaint happened twenty-eight years ago.

SUMMARY OF ALLEGATION #3/4: The officers used excessive force.

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

FINDINGS OF FACT: Documentation needed to investigate this complaint is no longer available. The events involved in this complaint happened twenty-eight years ago.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/06 **DATE OF COMPLETION:** 02/12/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer behaved inappropriately and made inappropriate comments during the contact. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/06 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/06 **DATE OF COMPLETION:** 02/03/07 **PAGE#** 1 **of** 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/15/05 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-4: The officers harassed the complainant's acquaintance/friend without justification.

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

FINDINGS OF FACT: The complainant stated the officers harassed his friend by citing him and telling him to demolish an illegal building structure and vacate the area. The officers stated the complainant's friend illegally erected a structure alongside private property and into a public street without permits or permission. The witness admitted he illegally erected and inhabited the structure. The witness further stated he accepted the citations for the illegal lodging as being correct and true. Pursuant to §647(j) illegal lodging- in any building, structure, vehicle, or place, whether private or public, without permission of the owner or person to the possession or in control of it, proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #5: The officer harassed the complainant's acquaintance/friend without justification.

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

FINDINGS OF FACT: The officer has retired and is no longer available to departmental discipline at this time.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/05 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested him without any apparent reason. The Office of Citizen Complaints found that, at the time of this incident, the complainant, in fact, had an active felony warrant for his arrest. The officers decision to take the complainant into police custody was justified and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers used excessive force against the complainant

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

FINDINGS OF FACT: The complainant stated that the officers “slammed” him against the police car. An independent witness told the Office of Citizen Complaints that he closely observed the complainant’s interaction with the arresting officers but did not see any force used against the complainant. The available evidence showed that the alleged misconduct, more likely than not, did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/05 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers used a racial slur

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

FINDINGS OF FACT: The complainant stated that both officers used a racial slur during the arrest. An independent witness told the Office of Citizen Complaints that he closely watched the officers' interaction with the complainant but did not hear them use any slur or inappropriate comments. The available evidence showed that, more likely than not, the alleged misconduct did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/07 **DATE OF COMPLETION:** 02/14/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on February 05, 2007

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/07 **DATE OF COMPLETION:** 02/06/07 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: