

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/05 **DATE OF COMPLETION:** 05/23/06 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATION #3-4: The officers used inappropriate behavior and comments.

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer had sufficient probable cause to make the arrest.

SUMMARY OF ALLEGATION #2: The officer planted drugs on 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 act alleged.

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

CATEGORY OF CONDUCT: UF **FINDING:** IO(1) **DEPT. ACTION:**

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a sworn member of the Department. This allegation has been referred to the San Francisco Sheriff's Department.

SUMMARY OF ALLEGATION #4: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The evidence proved that the charges brought by the officer were justified.

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

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

FINDINGS OF FACT: The complainant stated that officers who responded to her requests to have her housemate arrested for violating a restraining order failed to arrest the individual. Officers stated variously that the individual was not on the premises, could not be located, or that the investigation failed to establish that a valid order existed or was violated. No other witness came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers behaved inappropriately and made inappropriate comments on various occasions.

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

FINDINGS OF FACT: The complainant stated that various officers said inappropriate things to her and behaved inappropriately. The officers denied making or hearing the comments made by anyone and denied behaving or seeing the behaviors. No witnesses to the interactions were located. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that she was not read her Miranda rights and that her minor children were not interviewed as witnesses. She also alleged that her cell phone and identification card were not inventoried on the tow slip. She acknowledged that she used her cell phone while sitting in the back of the patrol car. She further alleged that the officers should have arrested her cousin but failed to do so. The officers stated they did not interrogate the complainant and therefore did not Mirandize the complainant. One officer stated that he did not interview the complainant's children because they were under ten years of age, hysterical and crying. The officer stated that the children were placed with their guardian. The tow slip had no visible property listed on its inventory. One officer stated he prepared the tow slip and that he did not see the complainant's cell phone or identification card inside her vehicle. Two other officers stated the complainant asked them to check her vehicle for her cell phone and identification card but they were unable to locate these items in the complainant's vehicle. One officer stated he never saw the complainant's cell phone or identification. This officer stated the complainant's cousin was not arrested because paramedics at the scene were treating him. Two officers stated witnesses indicated that the complainant was the aggressor. One officer did not recall this incident. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers said the complainant was detained for crossing the road at a red light on a bicycle in violation of the Vehicle code. The complainant admitted that the light was red. The detention was justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer said the complainant was cited for crossing the road at a red light on a bicycle in violation of the Vehicle Code. The complainant admitted that the light was red. The citation was justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #4 and #5: The officers made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #6: The officer treated the complainant in a disparate manner.

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

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

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SUMMARY OF ALLEGATION #7: The officer's conduct was retaliatory.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer had no recollection of the alleged comment. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The evidence proved the acts which provided the basis of the allegation, occurred; however, such acts were justified.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him without cause for driving too slowly at the airport. The officer stated that he cited the complainant for driving too slowly at the airport. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer exhibited inappropriate behavior during a traffic stop by making fun of his accent. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer enforced the law selectively.

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

FINDINGS OF FACT: The complainant stated that he believes the officer stopped and cited him for driving too slowly at the airport due to his race. The officer stated that he stopped and cited the complainant for driving too slowly at the airport, and that the complainant's race or ethnicity had no bearing on his actions. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the Management Control Division of the San Francisco Police Department.

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

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

FINDINGS OF FACT: The complainant requested that an officer advise him with regard to a citation. There was insufficient information on the face of the complaint to determine what action the complaint sought to have taken, other than have an officer nullify a citation. Such action is not required by the Department's General Order. The complainant has failed to provide information to further the investigative process.

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

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

FINDINGS OF FACT: The complainant was admonished, not cited. The evidence proved that the acts alleged in the complaint did not occur. The documents provided by the complainant state on their face that the complainant was merely admonished.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer drove in an unsafe manner.

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

FINDINGS OF FACT: The investigation was unable to identify any officer involved in the alleged act.

SUMMARY OF ALLEGATION #2: The officer conducted himself in an inappropriate manner.

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

FINDINGS OF FACT: The officer admitted committing the alleged act, however, the conduct of the officer does not rise to the level of misconduct.

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

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

FINDINGS OF FACT: The complainant stated the officer yelled at him was aggressive in tone and manner. The officer denied the allegation. The officer said he had to raise his voice at one point because the complainant attempted to leave the scene. The witness said that the officer initially mumbled something when he got out of the car and then raised his voice when the officer was behind the vehicle writing the citation and believed that the complainant was going to drive off. The witness said the officer then hit the car with his hand and yelled using profanity for them not to move. The witness and the complainant provided inconsistent statements. There is insufficient evidence to prove or disprove the allegation. The witness version differs from the complainant. There were no other witnesses.

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

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

FINDINGS OF FACT: The complainant said he was having car trouble and stopped at the handicap zone to check his vehicle. He said the officer did not ask him what happened or let him explain. The complainant said the officer just began to issue the citation. The officer stated that he did not see the complainant inspect the vehicle during the incident and did not recall asking him why he was in the handicap zone. The officer only recalled asking if he was handicap or had a blue card. He stated he issued the citation per the vehicle code. Although the complainant said he was having car trouble his car was able to drive off, the officer had the authority to issue a citation per VC 22507.8a and use his discretion per DGO 9.01.

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness officer corroborated the named officer's cause for writing the complainant the citation. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness officer corroborated the named officer's version of the incident. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3-4: The officers displayed their firearms without justification.

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

FINDINGS OF FACT: The officers denied the allegation. One officer acknowledged he had a rifle slung around his neck and pointed down towards the ground for safety issues. The officer stated the weapon was out due to the driver's erratic driving and behavior in a high crime area, and the officer's inability to see the interior of the vehicle. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to take required action on October 27, 2005.

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

FINDINGS OF FACT: The complainant alleged that a construction crew dumped concrete onto her property and painted her fence with graffiti. She did not acknowledge that she was arrested that day for spraying the construction crew with water. The officers stated that they did not find any concrete dumped onto the complainant's property. They further stated that the graffiti consisted of orange-colored crosses painted on a piece of plywood not on the complainant's property. The officers stated that the construction company informed them that the orange-colored crosses on the plywood were made by the construction company and was not graffiti. The construction company told the officers that they would turn the plywood around so it was not facing the complainant's property. The officers' actions were proper.

SUMMARY OF ALLEGATION #3: The officer failed to take required action on November 21, 2005.

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

FINDINGS OF FACT: The complainant alleged that construction workers working on the library reconstruction next door were trespassing on her property. The officer stated that he was hired as security by the construction company and had been onsite since 7:30 A.M. The officer stated that he never saw anyone trespass onto the complainant's property. The officer stated that he watched the complainant place several ceramic pots next to a fence that the construction workers were about to remove. The officer stated the complainant gave him permission to enter her backyard and move the pots, but she never unlocked her gate. The officers' actions were proper.

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SUMMARY OF ALLEGATION #4: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officer told her she would be arrested if she did not stay on her porch while he was talking to her. The officer stated that he did not threaten to arrest the complainant. The officer stated that the complainant kept going inside her house while he was trying to talk to her, and he asked the complainant to stay on the porch during their conversation. There were no witnesses. There was no additional evidence to further prove or disprove the conversation.

SUMMARY OF ALLEGATION #5: The officer failed to take required action on January 13, 2006.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to conduct an investigation regarding plastic bottles stolen from her back yard by a Public Library construction crew next door. The named officer was working on behalf of the construction crew that day and stated that he spoke to the complainant. Two other officers stated that they arrived as back-up and investigated this matter. They stated that they returned the complainant's water bottles and documented this incident. An incident report was on file. The officer's actions were proper.

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SUMMARY OF ALLEGATION #6: The officer failed to take required action on January 23, 2006.

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

FINDINGS OF FACT: The complainant stated that a Public Library construction crew next door stole several empty water bottles on her backyard fence. The officer stated that the complainant was incoherent and screaming. The officer stated that he investigated this matter and found no wrongdoing. The officer stated that the complainant's unhappiness with the library reconstruction was a civil, not a criminal, matter. The officers' actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1- 3: The officers pointed their firearms at the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that following a verbal argument, his wife summoned police to their home and reported that he had pushed her and had a gun. When officers arrived at the complainant's home and rang his doorbell, he did not answer the door for thirty to sixty seconds. When the complainant opened his front door, the three officers who responded pointed their firearms at him. One of the officers asked the complainant where the gun was. The complainant told the officers that he did not have a gun, and they handcuffed him. Two of the named officers stated that they unholstered their firearms and held them in a ready position at a forty-five degree angle, but denied pointing them at the complainant. These officers stated that they drew their firearms because dispatch reported a domestic violence incident in progress, and that the complainant had a gun in the house, but that they holstered their firearms after they determined that the complainant was not armed. The third named officer denied drawing his firearm. There is insufficient evidence to prove or disprove whether the officers pointed their firearms at the complainant. However, given the totality of the circumstances, including the nature of the call broadcast by dispatch, the report by the complainant's wife that he had a gun in the house and the complainant's delay in answering the door, it would not have been improper for the officers to point their firearms at the complainant until they determined that he was not armed. Therefore, the action complained of was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that following a verbal argument, his wife summoned police to their home and falsely reported to them that the complainant had pushed her with his finger. The officers who responded arrested the complainant for domestic violence. The officers and a supervisor who responded to the scene stated that the complainant's wife reported previous undocumented incidents of verbal abuse by the complainant, and that the complainant had committed a battery upon her that day by poking her in the chest. The officers stated that Department regulations and state law mandate that such an action be treated as criminal conduct. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #6: The officer confiscated the complainant's firearm without cause.

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

FINDINGS OF FACT: The complainant stated that following a verbal argument, his wife summoned police to their home and falsely reported to them that the complainant had pushed her with his finger. The officers who responded arrested the complainant for domestic violence and confiscated a handgun that he had in the garage. The officers and a supervisor who responded to the scene stated that the complainant's wife reported previous undocumented incidents of verbal abuse by the complainant, and that the complainant had committed a battery upon her that day by poking her in the chest in the presence of their two young children. The officers stated that Department regulations and state law mandate that such an action be treated as criminal conduct, and that officers may take temporary custody of a firearm at the scene. One of the officers at the scene stated that the firearm lacked a safety device in a home with two young children. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #7: The officer improperly questioned the complainant after he invoked his Miranda rights.

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

FINDINGS OF FACT: The complainant stated that he repeatedly told the officers who arrested him for domestic violence that he wanted his attorney to be present, and that despite this, the officer who drove him to the police station questioned him about the incident. The named officer denied questioning the complainant, and stated that he did not hear the complainant say that he wanted his attorney present. Witness officers stated that they heard the complainant ask for an attorney at the scene of the arrest, but that they did not question him, and were not present when he was transported to the police station. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 8 -9: The officers failed to issue the complainant a property receipt for his firearm

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

FINDINGS OF FACT: The complainant stated that officers who arrested him at his home for domestic violence confiscated his handgun and failed to issue him a property receipt for the weapon. The officers who confiscated the complainant's handgun acknowledged that they did not issue the complainant a property receipt due to an oversight, but stated that detailed information about the firearm was included in their incident report, and that the complainant was able to retrieve his handgun from the police property clerk. A supervisor who was present at the scene stated that a property receipt was not issued to the complainant because none was available, but that detailed information about the firearm was included in the incident report, which enabled the complainant to retrieve it from the Department. There is insufficient evidence to prove or disprove whether the failure to issue the complainant a property receipt was intentional. Therefore, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer harassed him while he played music on the street. The officer stated he had contact with the complainant and denied harassing him. The officer stated the complainant was blocking the street with his legs and music instrument. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to take a citizen's complaint.

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

FINDINGS OF FACT: The complainant stated he went to the police station and spoke to an unknown officer who prevented him from making a complaint. The complainant stated the officer did not explain the complaint process and procedure to him. The investigation was not able to identify the officer. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer threatened the complainant and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant could not identify the officer. An officer who was in the area at that time and who most closely matched the complainant's description denied having any contact with the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant could not identify the officer. An officer who was in the area at that time and who most closely matched the complainant's description denied having any contact with the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATION #1: The officer cited his vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officer cited his vehicle for failure to move the vehicle without cause, stating that he always moved his vehicle as required. The witness claimed otherwise, stating that the complainant's van had been parked in the same location for months without being moved. The witness stated that the vehicle was inoperable, and that he had seen the complainant pushing and steering the van to move it on several occasions because its engine did not work. The witness further stated that the van's tires had been chalked by the Department of Parking and Traffic, and he had seen the complainant remove the chalk on multiple occasions. He stated that upon his visual inspection of the vehicle, he observed a previously issued citation inside the vehicle for failure to move the vehicle. When he researched this citation, he learned that it had been issued three weeks prior for failure to move the vehicle. The citation was proper.

SUMMARY OF ALLEGATION #2-3: The officers towed his vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officers ordering the tow knew him and singled his vehicle, retaliating against him by towing his vehicle. The Office of Citizen Complaints conducted an investigation regarding the tow of the complainant's vehicle. The Office of Citizen Complaints learned that a private citizen made a complaint regarding the complainant's vehicle, stating that it had been parked in the same location for months. When officers arrived at the location where the complainant's vehicle was parked, they responded at the witness-reporter's request. They denied knowing the complainant and did not match the description furnished by the complainant. The responding officers made several visual observations that, on their face, would have independently allowed them to tow the vehicle. They stated that the vehicle's VIN number was not readily apparent from the outside of the car, and there were no license plates on the car. The officers stated they observed a previously issued citation inside the vehicle for failure to move the vehicle, which also subjected the vehicle to towing for non-compliance. The officers stated that based on the previously issued citation for failure to move the vehicle, they had the vehicle towed. The tow was proper.

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SUMMARY OF ALLEGATION #4: The officer searched his vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that an officer who works in his neighborhood conducted a search of his vehicle and discarded certain items. The complainant described the officers as Caucasian and African American and working day watch. The officers who towed the complainant's vehicle did not match the complainant's description. They denied searching the complainant's vehicle, stating the doors to the complainant's vehicle were inoperable and searching the vehicle would have presented an officer safety issue, due to the fact that there were too many items inside the doors which could have fallen out and injured the person opening the door. The identity of the alleged officer has not been established. No other 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
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DATE OF COMPLAINT: 01/31/06 **DATE OF COMPLETION:** 05/04/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments to the complainant while on the telephone at a police station.

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments to him on the phone. The complainant had sought to recoup his wallet and had made several inquiries and several trips to the police station. The complainant stated that the officer hung up on him. The officer denied the allegation, claiming no recollection of the incident. There was insufficient evidence to prove or disprove the allegation made by the complainant. There were no known witnesses.

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

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

FINDINGS OF FACT: The officer denied the allegation, claiming no recollection of the incident. There was insufficient evidence to prove or disprove the allegation made by the complainant. There were no known witnesses.

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DATE OF COMPLAINT: 02/01/06 **DATE OF COMPLETION:** 05/15/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to disclose necessary and essential information to further the investigation and without his consent to review medical records, the investigation could not be fairly investigated.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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DATE OF COMPLAINT:02/02/06 **DATE OF COMPLETION:** 05/04/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated two officers approached him and demanded his identification, whereby the complainant feared he would be attacked or arrested if he did not comply. The officers denied the allegation, stating they conducted a consensual encounter and the complainant was free to leave at any time. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers employed selective enforcement.

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

FINDINGS OF FACT: The complainant stated he was detained and questioned due to his being an African-American wearing dreadlocks and a beard, noting the officers sought a homeless-looking Black male, which is too broad a suspect description to justify their actions. The officers denied this allegation, stating they pursued a consensual encounter with the complainant due to a detailed description they had of the complainant. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/03/06 **DATE OF COMPLETION:** 05/25/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved in a racially derogatory manner.

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

FINDINGS OF FACT: The complainant alleged that the officer questioned him without cause about his criminal history while the officer was investigating a traffic accident. The officer stated the accident occurred in an area known for high levels of prostitution, and the complainant and his female companion were dressed in clothing typically worn by those engaged in the prostitution trade. The officer stated he simply asked the complainant why he was in that area. An officer at the scene stated the officer did not make any offensive comments to the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/07/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 1 of 9

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

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

FINDINGS OF FACT: The officer is no longer available or subject to the department's jurisdiction.

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

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

FINDINGS OF FACT: The reportee told the police the vehicle was blocking the sidewalk. The officer said the vehicle was blocking the sidewalk and was not registered. The complainant admitted that the vehicle was not registered. The complainant and co-complainant said the vehicle was not causing any blockage. There is sufficient evidence to document that the vehicle was illegally parked and could not be lawfully moved, as it was unregistered since May 2003. There is sufficient evidence to support the officer right to tow the vehicle.

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DATE OF COMPLAINT: 02/07/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 2 of 9

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

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

FINDINGS OF FACT: The officer is no longer available or subject to the department's jurisdiction.

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

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

FINDINGS OF FACT: The officer denied the allegation. The complainant and co-complainant alleged behavior and comments made by the officer where there was either insufficient or conflicting evidence to reach a definitive finding.

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DATE OF COMPLAINT: 02/07/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 3 of 9

SUMMARY OF ALLEGATION: #5 The officer used profanity.

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

FINDINGS OF FACT: The officer is no longer available or subject to the department's jurisdiction.

SUMMARY OF ALLEGATION: #6 The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. The complainant and co-complainant alleged profanity by the officer for which there are no witnesses. There is insufficient evidence to reach a definitive finding.

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DATE OF COMPLAINT: 02/07/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 4 of 9

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

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

FINDINGS OF FACT: The officer is no longer available or subject to the department's jurisdiction.

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

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

FINDINGS OF FACT: There is conflicting evidence as to who said what, and whether probable cause existed to arrest the complainant. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/07/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 5 of 9

SUMMARY OF ALLEGATION # 9: The officer used unnecessary force.

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

FINDINGS OF FACT: The officer is no longer available or subject to the department's jurisdiction.

SUMMARY OF ALLEGATIONS #10, 11 and 12: The officers used unnecessary force.

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

FINDINGS OF FACT: The officers denied committing the alleged acts or stated that the force used was reasonable. The Office of Citizen Complaints was unable to identify any other officer involved in the alleged force during this incident. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/07/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 6 of 9

SUMMARY OF ALLEGATION #13: The officer kicked in the complainant's door without justification.

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

FINDINGS OF FACT: The officer is no longer available or subject to the department's jurisdiction.

SUMMARY OF ALLEGATION #14: The officer caused damage to a residence without justification.

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

FINDINGS OF FACT: The officer is no longer available or subject to the department's jurisdiction.

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DATE OF COMPLAINT: 02/07/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 7 of 9

SUMMARY OF ALLEGATION #15: The officer caused damage to a residence without justification.

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

FINDINGS OF FACT: The investigation was unable to identify an officer who caused the alleged property damage.

SUMMARY OF ALLEGATION #16: The officer entered the residence without cause.

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

FINDINGS OF FACT: The officer is no longer available or subject to the department's jurisdiction.

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SUMMARY OF ALLEGATION #17: The officer entered the residence without cause.

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

FINDINGS OF FACT: **FINDINGS OF FACT:** There is conflicting evidence as to who said what, and whether or not an exigency existed permitting the officer to enter the residence without a warrant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #18: The officer drove improperly.

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

FINDINGS OF FACT: The officer denied the allegation. Although the complainant said there was a second officer in the vehicle, the Office of Citizen Complaints investigation was unable to identify a second officer. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #19:The officer searched the residence without cause.

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

FINDINGS OF FACT: There is conflicting evidence as to when, or if, permission was given to search the residence. The named member was the Officer In Charge. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant stated he attempted to report an officer's improper traffic stop to an officer at the police station, who became defensive, angrily yelling at the complainant and refusing to listen or act on what the complainant had to say. The named officer disavows any knowledge of this occurrence. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officer refused to summon a supervisor to assist the complainant in his registering a complaint against a fellow officer. The named officer disavows any knowledge of this occurrence. There is insufficient evidence to prove or disprove the allegation.

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

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

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

FINDINGS OF FACT: The complainant stated the officer used a fictitious mechanical defect as a pretext to conduct an unwarranted traffic stop. The officer denied the allegation, stating the complainant had a broken license plate lamp. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: FINDING: DEPT. ACTION:

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/15/05 **DATE OF COMPLETION:** 05/31/06 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that the officers stopped the vehicle driven by her brother without any apparent reason. The named members stated that the car was going at "very high rate of speed" and it ran several stop signs. According to the officers, the complainant's brother stopped by himself seeing that the officers were following his vehicle. The complainant's brother and two other witnesses identified by the complainant did not respond to the OCC's requests for an interview. The available evidence was insufficient either to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers detained the complainant and her brother without justification.

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

FINDINGS OF FACT: According to the complainant, the officers detained her and her brother without any justification. The officers stated that they placed the complainant's brother under arrest for the observed traffic violations and for failure to produce sufficient identification. According to the officers, the complainant was detained for "safety" reasons because of her "aggressive and irate behavior" at the scene. The communications tape relevant to the incident captured parts of this police contact and the recorded segments supported the officers' assertions as to the complainant's demeanor at the scene. The complainant's brother and two other witnesses identified by the complainant did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers displayed service arms without justification.

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

FINDINGS OF FACT: The complainant stated that the officers drew their firearms and pointed them at the complainant and her brother. The officers admitted drawing their side arms while approaching the complainant's vehicle because the incident took place at nighttime, in the high crime area and the car driven by the complainant's brother was coming from the location of a prior shooting incident. Both officers involved in this incident denied pointing their weapons directly at the complainant and her brother. The complainant's brother and two other witnesses identified by the complainant did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers handcuffed the complainant and her brother without justification.

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

FINDINGS OF FACT: The officer who interacted with the complainant's brother during this contact stated that the brother was handcuffed incident to an arrest for the observed traffic violations and failure to provide sufficient identification. The officer who interacted with the complainant stated that she was handcuffed for "safety" reasons due to her "aggressive and irate" behavior at the scene. The communications tape relevant to the incident captured parts of this police contact and the recorded segments supported the officers' assertions as to the complainant's demeanor at the scene. The complainant's brother and two other witnesses identified by the complainant did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: According to the complainant, both officers went inside and searched her car. The named members denied doing so during this incident. The complainant's brother and two other witnesses identified by the complainant did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member denied making the alleged comments and also denied acting in the manner alleged by the complainant. The officer's partner stated that he did not hear or see the named member's interaction with the complainant. The complainant's brother and two other witnesses identified by the complainant did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #12: The officer used excessive force at the scene.

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

FINDINGS OF FACT: The named member denied using any force during this police contact. The officer's partner stated that he did not witness the named member's interaction with the complainant. The complainant's brother and two other witnesses identified by the complainant did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer searched the complainant's brother without cause.

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

FINDINGS OF FACT: The named member stated that he searched the complainant's brother incident to an arrest. The officer's partner stated that he did not see the complainant's brother being searched. The complainant's brother and two other witnesses identified by the complainant did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officer cited the complainant's brother without cause.

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

FINDINGS OF FACT: The named member stated that he observed the complainant's brother driving above posted speed limit and running several stop signs. The officer's partner supported this statement. The complainant's description of this contact differed from the officers' account. The complainant's brother and two other witnesses identified by the complainant did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/16/06 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Officers who may have been at the scene where the complainant was allegedly searched were questioned; they did not recall this incident or the complainant. The complainant failed to respond to contact attempts for additional information about this incident.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/22/06 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The named officer denied the allegation. The witness offered a statement that could not be verified. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made a rude comment to the complainant.

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

FINDINGS OF FACT: The named officer acknowledged the comment alleged by the complainant, but denied it was intended to demean the complainant. A witness confirmed the officer made the comment. Department regulations preclude the use of rude language. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 02/23/06 **DATE OF COMPLETION:** 05/14/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that as he was being placed under arrest, a young, Caucasian, male officer kicked him in his right knee. The Office of Citizen Complaints spoke to a percipient witness who observed the complainant being taken into custody. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #2: The complainant alleged that a young, Caucasian, male officer threatened to shoot his dog.

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

FINDINGS OF FACT: The complainant described the arresting officer as young, Caucasian and male. The Office of Citizen Complaints spoke to a percipient witness who observed the complainant being taken into custody by police, but did not overhear anything police officers said. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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DATE OF COMPLAINT: 02/16/06 **DATE OF COMPLETION:** 05/18/06 **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 officer detained the complainant for an outstanding arrest warrant. The warrant was confirmed. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The officer arrested the complainant for an outstanding arrest warrant. The warrant was confirmed. The officer's conduct was proper.

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SUMMARY OF ALLEGATION #3: The officer used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated he and two officers fell down some stairs while the complainant was handcuffed. He stated his injuries consisted of a numb and sweaty hand and feeling like he had a cold when he breathed. He did not seek medical attention. The complainant also stated that a black male uniformed officer and an officer for whom he provided a first name witnessed this incident. According to computer-aided dispatch, the incident report and four officer statements, no such described officers were involved in this incident. The officers at the scene stated that no force or physical controls were used to take the complainant into custody. The arresting officers denied falling down stairs. The complainant stated there were no witnesses to this incident. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #4-5: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that his medical marijuana was seized but was available to him after his release from custody. The officers stated that the San Francisco Sheriff's Department refused to accept the marijuana as part of the complainant's property. The officers stated that they booked the marijuana and placed it in the narcotics drop box at the Hall of Justice. The officers' conduct was proper.

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SUMMARY OF ALLEGATION #6: The officer broke the complainant's cellular phone.

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

FINDINGS OF FACT: The complainant could not identify the officer who allegedly broke his cellular phone. The officers at the scene denied breaking the complainant's cellular phone. The complainant stated that there were no witnesses to this incident. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #7: The officer failed to provide medical attention upon request.

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

FINDINGS OF FACT: The complainant stated that when he requested medical attention at the Hall of Justice, he was told that he was being cited and released. He could not identify the officer who denied his request. The complainant stated that his injuries consisted of a numb and sweaty hand and feeling like he had a cold when he breathed. He did not seek medical attention upon release. The arresting officers stated that force was not used to take the complainant into custody, and that the complainant never complained of pain or asked for medical attention. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer issued a citation to the complainant without cause. The evidence showed that the officer issued the complainant a citation for trespassing at a fast food restaurant as requested by the restaurant manager and as observed by the officer. Pursuant to Department General Order 5.04, the officer was obligated to receive the arrest/citation. The evidence proved that the act which provided the basis for the allegation did occur. However, said act was justified and proper.

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

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

FINDINGS OF FACT: The officer stated that he detained the complainant to investigate a complaint of trespassing by the manager of a fast food restaurant. This was corroborated by restaurant employees and previous contacts that the complainant had at the restaurant. The evidence proved that the act which provide the basis for the allegation, did occur. However said act was justified and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer threatened to arrest him. The officer stated that he advised the complainant that he would be arrested if the complainant continued to trespass at this location. The officer is permitted by Department General Orders to issue an advisement that a criminal offense or a continuing criminal offense could lead to an arrest if not abated. The evidence proved that the act which provided the basis for the allegation did occur. However, said act was proper and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

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

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

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/09/05 **DATE OF COMPLETION:** 05/20/06 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegation, stating that the complainant was detained for the purpose of investigating a trespass on Housing Authority property. One other witness stated that the complainant was detained immediately upon the arrival of officers, and said the named officer immediately accused the complainant of being a drug dealer, saying nothing of trespassing. This witness also provided a statement that materially differed from that of the complainant regarding the police contact. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegation, saying that the complainant was handcuffed pursuant to his arrest for trespassing. One witness stated that he saw the complainant being handcuffed, but did not hear any discussion about trespassing. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegation, saying that the complainant was arrested for trespassing. One witness officer did not recall the incident. Another witness said he did not stay for the entire contact. The witness stated that he saw the complainant being handcuffed, but did not hear any discussion about trespassing. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation, said he did not handcuff the complainant, and did not recall who did. Three witness officers on the scene said they did not recall who handcuffed the complainant. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5, #6: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The named and three witness officers denied the allegation, stating that the complainant's vehicle was named in a search warrant. Department records in the case indicate that the search warrant identified the vehicle to be searched as that of the complainant, and that which was searched. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #7: The officer seized the complainant's property.

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

FINDINGS OF FACT: The named and three witness officers stated that the complainant's property was seized as it was suspected to be proceeds from drug sales and was processed for asset forfeiture proceedings. There is sufficient evidence to prove the allegation.

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SUMMARY OF ALLEGATION #8: The officers harassed the complainant without justification.

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

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

SUMMARY OF ALLEGATION #9: The officer entered the residence of the co-complainant without justification.

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

FINDINGS OF FACT: The named officer entered the residence to execute a search warrant identifying the co-complainant's residence as the subject of the warrant. Department records indicate that the warrant named the residence. No other witnesses came forward. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #10, 11: The officers left the residence of the complainant in disarray.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that the search was conducted within the Department's guidelines. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer improperly processed property of the co-complainant.

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

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

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on May 12, 2006.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer seized property without justification.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information. There is insufficient evidence or information to properly complete the investigation

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/24/06 **DATE OF COMPLETION:** 05/14/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew her complaint and reserved the right to reopen it until 3/24/07.

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

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

FINDINGS OF FACT: The complainant withdrew her complaint and reserved the right to reopen it until 3/24/07.

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SUMMARY OF ALLEGATION #1: The officer behaved in an inappropriate manner at the scene of the complainant's arrest.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers failed to respond to the scene.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on May 1, 2006.

SUMMARY OF ALLEGATION #3-4: The officers misrepresented the truth.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on May 1, 2006.

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant requested his OCC complaint be withdrawn.

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

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

FINDINGS OF FACT: The complainant requested his OCC complaint be withdrawn.

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: 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 mailed to:

City of Richmond Police Department
Internal Affairs Unit
401 27th Street
Richmond, CA 94804

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION :

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: This complaint was investigated by the Office of Citizen Complaints in 1989. The named officer has retired.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

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

Lt. Al Kennedy
San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/16/06 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 1 **of** 1

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

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

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

San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness, 3rd Floor
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

San Francisco Police Department
Management Control Division
Attn: Lt. Neal Griffin
850 Bryant Street #545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from OCC investigation.

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from OCC investigation.

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SUMMARY OF ALLEGATION #3: The officer exhibited inappropriate behavior and made Inappropriate comments.

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from OCC investigation.

SUMMARY OF ALLEGATION:.

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

FINDINGS OF FACT

—

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SUMMARY OF ALLEGATIONS#1-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant was detained for psychiatric evaluation. He denied that he was acting in a bizarre and disruptive manner. The medical reports indicate that the complainant was hostile and disorganized in his thoughts. The officers stated the complainant was hostile, intrusive and “in crisis.” Witnesses did not observe aggressive behavior on the part of the complainant, but said that he was loud and somewhat intrusive. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-7: The officers used unnecessary force against the complainant.

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

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

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SUMMARY OF ALLEGATIONS #8-10: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The officers denied the allegation. Witnesses did not observe the alleged behavior, and witness officers denied hearing or observing the alleged comments or behavior. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses did not hear the alleged profanity. Witness officers denied hearing the alleged profanity. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #12-13: The officers failed to provide their names and star numbers upon request.

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

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

SUMMARY OF ALLEGATION #14: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officer refused to take a Citizen's Complaint. The officer stated that he offered to take the complaint. Witness officers denied hearing the alleged conversation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #15: The officer discriminated against the complainant based upon his disability.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied any knowledge of the alleged intent by the named member. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer failed to properly process the complainant's property.

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

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

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SUMMARY OF ALLEGATION #1: The officer's remarks were inappropriate.

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

FINDINGS OF FACT: The complainant and one of the co-complainants operated a shop where drug paraphernalia was sold. Sales of these items are illegal. The complainant and the co-complainant stated that the officer told them in the past to "clean up" the store, and took offense to the manner in which the officer made the statement. The officer returned to the store and found that the illegal items were still for sale. The officer told the complainants that if they continued to sell such items, he would close the store. The complainants interpreted this statement as an improper threat. The Office of Citizen Complaints obtained a videotape of the officer's interaction with the complainants. The co-complainant admitted in her OCC interview that the named officer had been to her store four times before. The tape showed the named officer admonishing the complainants with regard to their violations, which were apparent in the video. The statements "clean up" and "shut down" were relevant to the consequences of inappropriate operation of the complainants' business license.

SUMMARY OF ALLEGATION #2: The officer entered the complainants' business without cause.

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

FINDINGS OF FACT: The Office of Citizen Complaints conducted its own investigation. The complainant's business is open to the public. The Office of Citizen Complaints found in its investigation that the officer was authorized to enter the premises open to the public in order to conduct an inspection in order to learn whether the licensee was in compliance with the terms of the license issued to it by the local licensing authority, to wit the City and County of San Francisco. The officer denied the allegation, stating that based on his training and applicable law, he may enter a business that is open to the public at any time in order to inspect it for violations of its business license. The entry was proper.

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SUMMARY OF ALLEGATION #3: The officer searched the premises without cause or warrant.

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

FINDINGS OF FACT: The complainant alleged that the officer required probable cause or a search warrant to search the premises. The Office of Citizen Complaints conducted its own investigation and found that the complainants' premises are open to the public. The premises are licensed to sell tobacco products but also sell narcotics paraphernalia, the latter of which is prohibited by law. The officer denied the complainants' allegation, citing various municipal and state statutes. The complainant had alleged that the officer was not justified in searching in all parts of the premises, including areas not necessarily accessible to the public, such as storage areas. The officer was asked if he was required to ask permission or notify the licensee of his intent to inspect the premises. The officer replied that none was required, per his Department training. The officer did not present verification or certification regarding his training in matters regarding license enforcement. It would appear that the training the officer relied upon was incorrect.

SUMMARY OF ALLEGATION #4: The officer seized the complainants' property without cause.

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

FINDINGS OF FACT: The complainant and one of the co-complainants alleged that the officer improperly seized their property. One of the co-complainants stated that the pipes seized by the named officer were "legal" to sell. The Office of Citizen Complaints conducted its own investigation. The complainants provided the Office of Citizen Complaints with a copy of videotape, recorded on the day of the incident complained of. The property sold by the complainant's fit the description of drug paraphernalia as described by the applicable penal code section. The officer properly seized the property as evidence.

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SUMMARY OF ALLEGATION #5: The officer failed to maintain required knowledge.

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

FINDINGS OF FACT: The complainants operating the licensed premises alleged the officer lacked sufficient knowledge with regard to the legal basis for searching their business. The officer denied the allegation, stating he was trained and certified in a course under Section 11550 of the Health and Safety Code, regarding narcotics. The officer was also trained in violations and inspections of tobacco licensees by a supervisory officer at the San Francisco Police Department. The evidence gathered by the Office of Citizen Complaints proved that the acts were lawful.

SUMMARY OF ALLEGATION #6: The officer used unnecessary force against the co-complainant.

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

FINDINGS OF FACT: The co-complainant was a customer at a store licensed for the sale of tobacco products at the time of the incident complained of. The named officer was gathering evidence and writing notes at the store's counter during his inspection of the premises for alleged license violations. He was the only police officer in the store at the time. The customers and the co-complainants were hostile to his presence. The officer had his back to clients at first, but was uncomfortable in that physical position, due to officer safety considerations. The officer declared the store temporarily closed in order to dispense with his official business. The co-complainant was in the middle of a purchase and objected to the store's closure. The officer insisted on the closure, but the co-complainant would not leave on his own. The officer took the co-complainant by the arm, whereupon the co-complainant vocally objected to the touching and wrested his arm from the officer's hand. The contact was recorded on the store's video monitor. The Office of Citizen Complaints reviewed the videotape. The evidence proved that the act which provided the basis for the allegation occurred. The act was proper.

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SUMMARY OF ALLEGATIONS#1 through 3: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officers responded to a 911 call regarding a domestic violence incident. The complainant admitted that he did not comply with the officers' verbal commands and then resisted the officers when they attempted to handcuff him. The officers had reasonable suspicion to investigate the incident and to handcuff the complainant during their investigation given the complainant's initial reluctance to comply with their verbal commands.

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

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

FINDINGS OF FACT: During the course of a domestic violence investigation the complainant admitted to not complying with officer's verbal commands, resisted being handcuffed and resisted arrest. The conduct of the officers was proper.

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SUMMARY OF ALLEGATIONS 5 through 9: The officers used unnecessary force against the complainant.

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

FINDINGS OF FACT: There is conflicting evidence as to whether or not the amount of force used was necessary. No other officer was identified as having used force during this incident. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS 10 and 11: The officers conducted themselves in an inappropriate manner.

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

FINDINGS OF FACT: The officers denied committing the alleged act. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers denied making or hearing the alleged comments or behaving inappropriately. No independent witness came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was cited for jaywalking although two white pedestrians, who crossed the street with him, were not cited. He said he believed the officer cited him because he is African-American. The officers denied that anyone else crossed the street at the time the complainant crossed. No independent witness came forward. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4-5: The officers detained the complainant two times without justification.

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

FINDINGS OF FACT: The complainant stated that the officers detained him twice when he was merely shopping and breaking no laws. The officers stated that they were flagged down by the complainant and spoke with him and a woman he said was bothering him, but they denied that the complainant was detained. The officers stated that the complainant continued to remain in a high-drug area in conversation with known drug dealers and buyers, and said they stopped him a second time to advise him, in accordance with Department policies. They said he was not seen with any merchandise or entering or leaving any stores in the area. No independent witness came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The officers denied hearing or using profanity during their contact with the complainant. No independent witness came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer told him he had to leave the area or she would arrest him. The officers denied that the complainant was threatened with arrest and said the officer merely explained to him the possible outcome of continuing to remain in an area of high drug activity. No independent witness came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers stated that the complainant was cited for jaywalking. The complainant acknowledged that he jaywalked. The evidence proved that the act, which provided the basis for the allegation, occurred however, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested him for resisting and threatening an officer when he did neither. The officer stated that the complainant refused to sign a citation and resisted when she tried to take him into custody to transport him to the station. She stated he lunged toward her in a threatening manner. No independent witness came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer made racially derogatory comments.

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

FINDINGS OF FACT: The complainant stated that the officer made derogatory comments about African-Americans. The officers denied making or hearing the remarks. No independent witness came forward. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11-12: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that the officers engaged in force, although he was not resisting, and stated that they injured his knee when they took him to the ground. The officers stated that the complainant was resisting but denied that they used unnecessary force or that they took him to the ground. Medical records showed that the complainant had a prior knee injury. No independent witness came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer failed to summon a superior officer.

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

FINDINGS OF FACT: The complainant stated that he refused to sign a citation until the officer summoned a superior to come to the scene. The officers denied that the complainant asked for a superior officer to come to the scene and stated that the complainant resisted and threatened the officers immediately after he refused to sign. No independent witness came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATIONS #2, 3: The officers failed to properly investigate an incident.

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

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

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SUMMARY OF ALLEGATIONS #4, 5: The officers failed to take a prejudice-based Incident Report.

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

FINDINGS OF FACT: The named officers denied the allegation, stating that while the complainants asked for a report, they provided no information that would constitute a prejudice-based incident or a crime. The complainant and co-complainant stated that they told the officers they were threatened and harassed by a man who used slurs regarding their sexual orientation. Department records indicated that the complainants reported threats and requested a report. Department regulations covering the situation dictate that the officers should have written a report. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #6: The officer failed to take an Incident Report.

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

FINDINGS OF FACT: The complainants stated they tried to file a report at the police station. The OCC was unable to determine the identity of the officer to whom the complainants said they reported a crime. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #7, 8: The officers engaged in selective enforcement.

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION # 1: The officer was inattentive to his duty.

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

FINDINGS OF FACT: The complainant stated the officer answered his cellular phone and made personal arrangements during the incident. The officer admitted he received an emergency personal call. The officer stated he interviewed the complainant and witnesses at the scene. The officer stated other officers were at the scene along with Medics who tended to the complainant. The investigation discovered that the allegation does not rise to the level of misconduct. The witnesses were not able to corroborate the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 2: The officer failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated she wanted the officer to make an arrest against her aggressor. The officer stated the complainant did not request for a citizen's arrest. The witnesses were not able to corroborate the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate and incomplete Incident Report.

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

FINDINGS OF FACT: The complainant disagreed with the accuracy of the Incident Report. The complainant stated she did not tell the officer that she did not want to make an arrest of her aggressor. The officer stated the complainant did not request from him to make an arrest at the scene. The witnesses were unable to corroborate the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer did not fully investigate the incident by failing to interview various witnesses. The complainant stated the officer did not take her side of the incident. The officer stated he interviewed all parties including witnesses and the complainant. The officer stated there were no independent witnesses that saw what led to the incident. The witnesses were not able to corroborate the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer told her that he was off work and that her incident was like that of a well-known incident. The complainant stated she felt the officer added insult to the incident. The officer denied the allegation. There were no witnesses able to corroborate the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest her with his handcuffs. The complainant stated the officer told her she would be arrested at the scene. The officer denied the allegation. The witnesses were not able to corroborate the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #1-2: The officers made threatening remarks.

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

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

SUMMARY OF ALLEGATION #3: The officer failed to provide the complainants' son with timely medical assistance.

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

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

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

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

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

SUMMARY OF ALLEGATIONS #5-6: The officers interfered with the rights of onlookers.

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

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

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SUMMARY OF ALLEGATIONS #7-8: The officers arrested the complainants' son without cause.

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

FINDINGS OF FACT: The officers stated that the complainants' son was involved in a narcotics transaction the night before. When they pulled up to the complainants' son, the son fled. After a brief chase, the complainants' son was taken into custody. The complainant's son denied being involved in a narcotics transaction. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-10: The officers used unnecessary force on the complainants' son during the arrest.

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

FINDINGS OF FACT: The officers stated that the complainants' son resisted during the arrest. The complainants' son denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove that the officers used unnecessary force during the arrest.

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SUMMARY OF ALLEGATION #11: The officer used unnecessary force against the complainants' son while he was at the station.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was sleeping in his car in the parking lot of his union hiring hall when the officer tapped on his window, startling him. The complainant assumed that one of his co-workers was knocking on the window and the complainant knocked back on the window. The officer then drew his firearm and ordered the complainant out of the car. The officer ordered the complainant to kneel on the ground, despite the fact that the complainant told him that he was a union member. The officer detained the complainant for fifteen to twenty minutes and told him that someone had reported a person tampering with cars in the parking lot. The named officer stated that he was working alone and responded to a Communications report of an auto booster in the parking lot of the union hall, and that Communications described the suspect as a white male. The named officer stated that he saw the complainant's car parked near the union hall, with a backpack on the front hood. The officer stated that when he tapped on the window of the car the complainant, who is an African-American male, yelled obscenities and refused to remove his hands from underneath a jacket draped over him. The officer stated that after the complainant exited his car, he refused the officer's commands to show both of his hands, so the officer drew his firearm and ordered the complainant to his knees due to his aggressiveness. The officer then handcuffed the complainant, and told him to sit on the ground while he obtained the complainant's identification and ran a wants and warrants check on him. After obtaining the results of that check, the officer released the complainant. The officer stated that he detained the complainant, despite the fact that his race differed from that of the suspect, because the parking lot was very dark, and he thought it was possible that the 911 caller was mistaken about the suspect's race. The officer also cited the proximity of the complainant's car to the union hall and the presence of a backpack on the car at 3:00 a.m. as being suspicious, along with the complainant's aggressive manner. Communications records indicate that an individual at a nearby hotel reported a suspect looking into vehicles in the union's parking lot, and that the caller described the suspect as a white male, 5' 11" tall, wearing a black hooded sweatshirt and blue jeans. The complainant stated that he is 6' tall and weighs 170 lbs., and did not recall what he was wearing that night. Communications records indicate that the named officer was on the scene for eleven minutes. A civilian witness who is also a longshoreman and who knows the complainant stated that he left his backpack on the hood of the complainant's car and went to get some coffee. When he returned, he saw the complainant kneeling and the officer standing behind the complainant with his gun drawn. A patrol special officer stated that he heard loud voices, and when he drove into the union's parking lot, he saw complainant on his knees and saw the named officer running a wants and warrants check on the complainant over his radio. The patrol special officer stated that when the named officer completed the check, he asked the complainant to stand up and removed his handcuffs. There were no other witnesses to the incident. There is insufficient evidence to prove or disprove whether the detention was justified.

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

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed him without justification. The named officer stated that he handcuffed the complainant while investigating a report of an auto booster because the complainant was yelling and was acting in an aggressive and uncooperative manner, was large in stature, and because their encounter was taking place in a dark and isolated parking lot. The named officer also cited the fact that he was working alone, and knew that there were few available units in his district to respond as backup if needed. The named officer stated that he removed the handcuffs as soon as he completed a wants and warrants check on the complainant. The complainant denied yelling, but acknowledged that he did verbally protest his treatment and may have been somewhat emotional. A civilian witness and a witness who is a patrol special officer stated that the complainant was already handcuffed when they arrived on the scene. Communications records confirmed that most of the patrol units from the named officer's station were involved in lengthy and serious incidents at the time of this encounter. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer drew his gun, ordered the complainant to kneel on the ground, and pressed the barrel of the gun against the back of the complainant's head. The named officer stated that he drew his gun while investigating a report of an auto booster because the complainant was yelling and acting in an aggressive and uncooperative manner and refused to show the officer his hands. The named officer also cited the fact that their encounter took place in a dark and isolated parking lot, that he was working alone and knew that there were few available units in his district to respond as backup if needed as reasons for drawing his gun. The officer stated that he holstered his gun as soon as he handcuffed the complainant, and denied touching his gun to the complainant's head, or to any part of the complainant's body. A civilian witness who knows the complainant stated that when he arrived on the scene, he saw the complainant handcuffed and kneeling, with the officer standing less than one foot behind him pointing his gun at the complainant. A patrol special officer stated that when he arrived on the scene, the complainant was kneeling, but that he never saw the named officer with his gun drawn. There is insufficient evidence to prove or disprove whether the officer was justified in pointing his gun at the complainant, or whether the officer touched his gun to the back of the complainant head. Therefore, there is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated that when he asked the named officer why he was being detained and handcuffed the officer said that it was because the complainant was black. The named officer denied the allegation. A civilian witness who knows the complainant and a patrol special officer who both arrived after the complainant was handcuffed stated that they did not hear the named officer make this statement. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

OCC ADDED ALLEGATIONS

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

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

FINDINGS OF FACT: In his member response form, and again during an OCC interview, the named officer stated that a patrol special officer who arrived during his detention of the complainant told him that the complainant was a troublesome individual who he had encountered before at this location drinking beer. The patrol special officer denied making such a statement, and told OCC that he had never encountered the complainant prior to this incident and had never seen him drinking beer. There is insufficient evidence to prove or disprove whether the named officer intentionally misrepresented the truth. Therefore, there is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-4: The officers failed to arrest the complainant's adversary.

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

FINDINGS OF FACT: The complainant stated that he told officers on two occasions that he wanted an individual arrested who had assaulted him earlier, but none of the officers took steps to do so. Two officers stated that they searched the area from which the complainant reported and failed to locate the suspect. Two other officers stated that they interviewed the complainant, and said he specifically asked that they document the incident only. The officers stated that the complainant did not want further police action, so none was taken. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5-6: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The identified named officer denied making or hearing the alleged inappropriate comments or engaging in inappropriate behavior. The officer explained that he did ask the complainant a question, which the complainant deemed inappropriate, but placed the question in a context which gave it a police purpose and was not inappropriate. The identity of the second officer was not established. An officer thought to be the intended officer denied having contact with the complainant on the dates in question. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer failed to write an accurate Incident Report.

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

FINDINGS OF FACT: The complainant stated that the Incident Report written by the officer was inaccurate in that it said he did not want police action taken and only wanted an incident documented. The officer stated that he wrote what the complainant said he wanted at the time and denied that the complainant ever asked for any police action beyond documenting an earlier incident. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officers failed to provide identifying information upon request.

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

FINDINGS OF FACT: The complainant stated that an officer on duty at a police station where he went to complain of the violation of a stay-away order refused to provide his name and/or star number when the complainant asked for it. The identity of the officer was not established. Another officer who had contact at the station with the complainant denied hearing him ask any officer for identifying information. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation or to establish the identity of the officer.

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

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

FINDINGS OF FACT: The complainant stated that he was walking along the street with several friends when numerous police cars arrived, detained one of his friends at gunpoint, and ordered the complainant and another man to move away. The complainant and his friend walked a half-block away and stopped to watch. Two officers approached and told the complainant and his friend to leave, and when they did not, the officers detained and searched them. Two civilian witnesses gave statements that conflicted with each other, and with elements of the complainant's account of the incident. The named and witness officers stated that they detained one of the complainant's companions following a report that he had threatened someone with a gun. When they found no weapon on this individual, they detained the complainant and two other individuals who the suspect had been standing next to in order to determine if the suspect passed the gun to one of them. 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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he was walking along the street with several friends when numerous police cars arrived, detained one of his friends at gunpoint, and ordered the complainant and another man to move away. The complainant and his friend walked a half-block away and stopped to watch. Two officers approached and told the complainant and his friend to leave, and when they did not, the officers detained and searched them. One officer found rocks of crack cocaine next to the complainant's leg, which the complainant attempted to kick away and step on. The complainant was then arrested. Two civilian witnesses gave statements that conflicted with each other, and with elements of the complainant's account of the incident. The named and witness officers stated that they detained one of the complainant's companions following a report that he had threatened someone with a gun. When they found no weapon on this individual, they detained the complainant and two other individuals who the suspect had been standing next to in order to determine if the suspect passed the gun to one of them. As the complainant was being pat searched for weapons, rocks of crack cocaine fell out of his pants leg, and they placed him under arrest for possession of drugs. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3 & 4: The officers used unnecessary force on the complainant during the detention and arrest

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

FINDINGS OF FACT: The complainant stated that he was walking along the street with several friends when numerous police cars arrived, detained one of his friends at gunpoint, and ordered the complainant and another man to move away. The complainant and his friend walked a half-block away and stopped to watch. Two officers approached and told the complainant and his friend to leave, and when they did not, the officers detained and searched them. One officer found rocks of crack cocaine next to the complainant's leg, which the complainant attempted to kick away and step on. Multiple officers pushed the complainant into a store gate and punched him. The named officers stated that the complainant was detained in order to determine whether a suspect who had been armed with a gun had passed the weapon to him, and that during a pat down search, rocks of crack cocaine fell out of the complainant's pants. When one of the officers attempted to handcuff the complainant, he resisted and continued to attempt to destroy the crack cocaine. The officers denied punching the complainant or pushing him into a gate. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 5 & 6: The officers made inappropriate and threatening remarks to the complainant

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

FINDINGS OF FACT: The complainant stated that while he was being transported to the police station, and while he was being strip searched, the officers made inappropriate and threatening remarks to him. The officers denied the allegation. There were no witnesses to these encounters. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 7 & 8: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated that the officers used profanity to him at the station. The officers denied the allegation. There were no witnesses to this encounter. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 9 & 10: The officers failed to provide medical assistance to the complainant when requested to do so.

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

FINDINGS OF FACT: The complainant stated that the officers failed to promptly provide medical assistance for him after he claimed to be injured. The officers stated that they summoned an ambulance as soon as the complainant claimed to be injured. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11 & 12: The officers conducted a strip-search of the complainant without cause

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

FINDINGS OF FACT: The complainant stated that the officers conducted a strip search without cause. The officers stated that they reported to a sergeant that rocks of crack cocaine fell out of the complainant's pants leg during his detention, and that they found other drugs in the patrol car immediately after the complainant vacated it. The officers stated that the sergeant authorized a strip search of the complainant. The sergeant confirmed that he authorized the strip search. Department documents confirmed that drugs were seized as evidence. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION # 13 & 14: The officers used unnecessary force on the complainant at the police station

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

FINDINGS OF FACT: The complainant stated that the officers used unnecessary force on him while conducting a strip search. The named officers denied the allegation, stating that they used a bar arm takedown after the complainant threatened them and struck one of the officers, and that they struck him in the legs with their knees and fists when he resisted being handcuffed and attempted to kick them. There were no witnesses to this encounter. The complainant's medical records documented complaints of soreness and slight bleeding of the lip, but did not document other injuries. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer made inappropriate comments by lying to the complainant

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

FINDINGS OF FACT: The named officer denied the allegation stating that he had a miscommunication with the complainant regarding whether or not he had asked her to sign the citation for failure to stop at the stop sign. The officer stated that once the complainant clarified her inquiry, he admitted to the complainant that he was uncertain if he had requested her signature on the citation. The supervising officer onscene, could not corroborate either the complainant or the officer. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to take required action by requesting the complainant's signature on the citation.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he discovered his omission and recovered his error by having the complainant sign the citation. The supervising officer onscene, corroborated that the officer failed to obtain the complainant's signature on the citation. The supervising officer said that she explained the situation to the complainant and convinced her to sign the citation. 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: 07/27/05 **DATE OF COMPLETION:** 05/25/06 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he was just a couple of car lengths from the intersection, when he observed the complainant drive her vehicle through the stop sign at 10-15 mph. The officer stated the complainant said she usually stops for a full three seconds. However, the complainant said that she was in a hurry to join her husband for lunch. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer issued a citation based on retaliation.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that the issuance of the citation was not based on retaliation. The officer stated he was not angry with the complainant for stopping him by sounding her horn in long incessant sounds. The officer said that he was more concerned for his safety by the distraction, and not certain if a major emergency was taking place. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation in this complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/05 **DATE OF COMPLETION:** 05/31/06 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The complainant alleged that the officer acted and commented inappropriately.

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

FINDINGS OF FACT: The officer denied this allegation, and stated affirmatively that he acted appropriately. The witness stated the officer was very professional, she felt the officer acted properly, and the complainant was rude to the officer.

SUMMARY OF ALLEGATION #2: The officer did not properly investigate during this incident.

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

FINDINGS OF FACT: The witness stated the officer did everything he could to investigate, but the complainant was not responsive, as noted above. The officer states he investigated properly. The incident report shows a complete investigation, in that it contains facts material to the investigation that were corroborated by the witness.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/05 **DATE OF COMPLETION:** 05/31/06 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The complainant alleged that the officer did not write an accurate police report.

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

FINDINGS OF FACT: At the time she made her complaint, the complainant had not seen the police report and was relying on what an acquaintance had told her about the police report. Because of this she did not have any specific facts about alleged inaccuracies in the report. She made this allegation without any facts in mind, based on the communicated opinion of an acquaintance that the report was not flattering to her. The officer stated he wrote an accurate report. The witness corroborated facts as stated in the police report.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/29/05 **DATE OF COMPLETION:** 05/26/06 **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 stated officers stopped him. The officer detained the complainant as he was identified as a suspect in a robbery/assault. The incident report documents that the cold show was conducted and signed by the victims. The officer had the authority to detain the complainant per DGO 5.03 Investigative Detentions. The complainant is a minor and has not responded to repeated attempts by OCC for an interview.

SUMMARY OF ALLEGATION #2: The officer used excessive force.

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

FINDINGS OF FACT: The complainant filed his citizen complaint indicating that the officers kept throwing him around and scraped his arm against the wall and were twisting his arm. The officer denied the allegation. There were no witnesses. The complainant is a minor and has not responded to repeated attempts by OCC for an interview.

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DATE OF COMPLAINT:08/29/05 **DATE OF COMPLETION:** 05/26/06 **PAGE # 2 of 3**

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

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

FINDINGS OF FACT: The citizen complaint filed by the complainant alleged that the officer told the complainant, "shut up little kid." The officer denied the allegation. There were no witnesses. The complainant is a minor and has not responded to repeated attempts by OCC for an interview.

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

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

FINDINGS OF FACT: The officer is not available, due to extended military leave.

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #5: The officer used excessive force.

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

FINDINGS OF FACT: The officer is not available, due to extended military leave.

SUMMARY OF ALLEGATION #6: The officer used inappropriate language.

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

FINDINGS OF FACT: The officer is not available, due to extended military leave.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer addressed her using incorrect male pronouns. The complainant stated she wanted to be addressed appropriately, but the officer repeatedly did not do that. The officer stated he did not address the complainant using incorrect pronouns. The witnesses failed to come forward to be interviewed. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to question the tenant from the apartment building. The complainant further stated she told the officer the tenant used his body and not objects to pry open the front door. The officer stated he interviewed and received statements from all parties at the scene including the complainant. The officer stated the front door did not appear to have been pried with something. The witnesses failed to come forward to be interviewed. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 08/31/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complaint stated the officer was rude because he did not listen to the entire account of the incident and made derogatory comments to others at the scene. The complainant stated the officer continuously paced back and forth, created a chaotic and confused environment. The officer stated he was trying to interview all the parties separately but the complainant kept interrupting his investigation. The officer stated he did not foster a confused environment and that complainant was yelling and not cooperating with the investigation. The officer stated he did not make any derogatory comments about the complainant at the scene to any persons. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/05 **DATE OF COMPLETION:** 05/23/06 **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 complainant stated the officer refused to accept documents that she wanted to submit for the report and according to the complainant the officer said that the case would not get pursued. The officer denied that allegation. The officer stated the complainant did not provide any documents to him to submit with her report. The officer stated he told the complainant that the case would not be pursued by him and that it would be sent to a fraud inspector and she needs to follow-up with the assigned inspector. There were no witnesses. The complainant did not respond to my requests for an OCC interview.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he saw a marked police vehicle make an illegal left hand turn at a controlled intersection. The officer who was the driver of the vehicle stated he made a left hand turn at the intersection in order to actively pursue an auto boost suspect who was in the area. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The evidence proved that the acts that were the basis of the allegation occurred and that such acts were justified.

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

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

FINDINGS OF FACT: The evidence proved that the acts that were the basis of the allegation occurred and that such acts were justified.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/05 **DATE OF COMPLETION:** 05/18/06 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The evidence was inconclusive. There were no witnesses.

SUMMARY OF ALLEGATION #4: The officer's actions were based on selective law enforcement.

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

FINDINGS OF FACT: There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/05 **DATE OF COMPLETION:** 05/18/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force to detain him. The witness stated that he sought to speak with the complainant in his office but the complainant was non-compliant. The witness also stated that the officer first attempted to use verbal persuasion prior with the complainant. When verbal persuasion did not succeed, the witness stated that the officer attempted to place the complainant into handcuffs, but the complainant resisted. The witness then stated that the officer and the complainant fell to the ground, whereupon the officer placed the complainant into handcuffs without further incident. The officer denied the allegation. He stated he was summoned to assist as a last resort when the complainant became verbally and physically aggressive with other individuals around him. The officer's conduct was proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/30/05 **DATE OF COMPLETION:** 05/31/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant and his companions were nearing an intersection where construction was underway. The complainant began to cross the street, his companions did not. The officer told the complainant “get your ass off the street.” When the complainant failed to comply, the officer repeated the profane language. The witnesses corroborated the complainant’s allegation. One of the witnesses stated that the officer articulated additional offending language during the second incident, telling the group to get “their fucking asses off the street.” The officer admitted stating that he told the complainant to “get his ass off the sidewalk.” A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated that when he requested the officer’s star number after the officer used profanity, the officer did not respond to the question, but instead responded with a threat to detain him for PC 647f. The officer denied the allegation, stating that he was entitled to initially cite the complainant and detain him for 647f. The witnesses both stated that the officer’s immediate response to the complainant’s request for his star number was whether the complainant wanted a citation. Both of the witnesses heard the officer’s response to the complainant’s question. The witnesses saw the complainant give up his quest for the officer’s badge number because, according to one of the witnesses, if the complainant insisted on getting the officer’s badge number to report his profanity, the complainant would have received a traffic code citation or possibly detained per 647f on a retaliatory basis. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated that after the officer used profane language, he sought the officer's identity and asked the officer for his "badge" or star number. The complainant stated that the officer refused, instead threatening to cite or detain him. The witnesses corroborated the allegation, stating that the officer threatened him with a "ticket." One witness said the exchange between the officer and the complainant was tantamount to a "quid pro quo," or something for something, if the officer provided him with his star number, the complainant would get a ticket. The complainant stated that he returned to the scene later, that he would not be "bullied" into not being able to identify the officer who had used profane language to him. The witness corroborated the return to the scene, stating that he drove the complainant back to the same intersection, where the named officer was on duty. The complainant asked the officer for his name and star number, whereupon the officer, on the third request, provided the complainant with his star number, but not his name. The witness corroborated the complainant's account. The officer denied the allegation, stating that he provided his star number "anyone who asks." A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/12/04 **DATE OF COMPLETION:** 05/26/06 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION # 1-3: The officers made threatening remarks to the complainant.

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

FINDINGS OF FACT: The complainant stated the officers at the scene threatened him with being placed on the ground if he tried to talk to onlookers. The officers stated they did not make any threats against the complainant. Witnesses either refused to provide statements or did not recall the contact between the complainant and the officers. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 4: The officer failed to take a required action in not issuing the complainant a Personal Property Release Form.

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

FINDINGS OF FACT: The complainant stated he went to the police station and requested a Personal Property Release Form from the officer. The complainant stated the officer at the counter refused to provide him with the requested form. The officer stated the complainant refused to provide identification; therefore the complainant's requested form was not issued. The officer further stated the complainant was not able to prove his identity in order to show he was the legal owner of the vehicle. There were no witnesses at the scene. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/12/04 **DATE OF COMPLETION:** 05/26/06 **PAGE # 2 of 3**

SUMMARY OF ALLEGATION #5-6: The officers arrested and handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he should not have been arrested and handcuffed by the officers. The complainant stated the DMV sent his notice of a hearing to an incorrect mailing address. The complainant stated the DMV had no right to suspend his driver's license. The complainant stated the officers had no right to enforce the STOP Program. The complainant stated he was upset with the officers for arresting him for a suspended CA Driver's License as well as the towing of his vehicle. The complainant admitted he had a suspended license. Per 14601.1(a) cvc, driving with a suspended driver's license and the enforcement of the San Francisco Traffic Offender Program (S.T.O.P.), the officers arrested the complainant accordingly. The officers stated the complainant was verbally argumentative and refused lawful orders by an officer. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant stated he received a written citation for driving with a suspended driver's license and no proof of insurance. The complainant admitted he had a suspended driver's license and no proof of insurance. The complainant admitted he was driving his vehicle in order to move it to street parking. The officers stated they verified the driver's license status of the complainant as being suspended due to failure to appear notice. The officers stated the complainant was seen getting into and driving his vehicle. Per the DMV 14601.1(a) cvc-driving with a suspended driver's license and 16028(a) cvc –no proof of insurance, the complainant was issued a citation by the officer. There is no dispute that the complainant was driving his vehicle at the time of the incident. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 11/12/04 **DATE OF COMPLETION:** 05/26/06 **PAGE # 3 of 3**

SUMMARY OF ALLEGATION #8: The officer had the complainant's vehicle towed and impounded without justification.

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

FINDINGS OF FACT: The complainant stated his vehicle was towed and impounded without any legal reason or justification. The complainant admitted to having a suspended driver's license, driving without proof of insurance, and actually moving and driving his vehicle on the public street. The San Francisco Traffic Offender Program allows officers to cite and tow individuals vehicles who are caught driving on a suspended or revoked or not having a CDL. In addition, per 22651(p) cvc gives Peace Officers the authority to impound a vehicle, the operator is issued a notice to appear for the violation of 14601.1 cvc, driving with a suspended license. Lastly, SFPD's Department General Order 9.06, re: tows, mandates vehicle impoundment of drivers who have been issued a notice to appear 14601.1 cvc. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/13/05 **DATE OF COMPLETION:** 05/30/06 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1 & 2: The officers entered the complainant's room without cause.

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

FINDINGS OF FACT: The complainant stated that he was in his hotel room when officers opened his door with a key without knocking or requesting entry. Officers told the complainant that he fit the description of a suspect who committed an armed robbery. The named officers stated that they heard a communications broadcast of an armed robbery, and based on the reported direction of flight of the robber, they inquired at a nearby residential hotel about whether anyone matching the robber's description had recently entered the building. The named officers stated that the desk clerk identified the complainant as having recently entered the building. The officers stated that the desk clerk willingly gave them the key to the complainant's room, and after backup officers arrived, they entered the complainant's room and detained him. The officers stated that the complainant was not identified by the victim and a witness to the robbery and was then released. The named officers gave inconsistent accounts of how entry was gained to the complainant's room: one named officer stated that it was opened with the key obtained from the desk clerk; the other named officer stated that the complainant opened the door after officers knocked and announced themselves. The named officers' account of how they obtained the complainant's room key was contradicted by the desk clerk, and by the hotel manager. Communications records established that the suspect description that was broadcast differed significantly from that of the complainant. Communications records also established that although the suspect was first reported to be fleeing in the general direction of the hotel, multiple subsequent communications broadcast reported the suspect fleeing in a direction away from the complainant's hotel. A preponderance of the evidence established that the officers lacked justification for a warrantless entry into the complainant's room.

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

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

FINDINGS OF FACT: The complainant stated that he was in his hotel room when officers opened his door with a key, and handcuffed him and detained him. The complainant was taken downstairs for a “cold-show” identification, which was negative. Officers told the complainant that he fit the description of a suspect who committed an armed robbery. The named officers stated that the complainant matched the description of the robbery suspect and had entered his hotel, which was located in the direction in which the suspect had fled, soon after the robbery took place. The named officers stated that they detained the complainant until the robbery victim and a witness failed to identify him in a cold show. A preponderance of the evidence established that suspect description that was broadcast differed significantly from that of the complainant and that the suspect was reported to have fled in a direction away from the complainant’s hotel. The named officers stated that after handcuffing the complainant, they did not contact officers at the robbery scene to confirm that the complainant matched the suspect description. A preponderance of the evidence established that the officers lacked justification to detain the complainant for the time period that he was detained.

SUMMARY OF ALLEGATION #5 & 6: The officers pointed guns at the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered his hotel room without knocking or requesting entry, pointed guns at him and ordered him to the floor. The complainant was taken downstairs for a “cold-show” identification, which was negative. Officers told the complainant that he fit the description of a suspect who committed an armed robbery at 17th and Mission Streets. The named officers stated that the complainant matched the description of a robbery suspect and had entered his hotel, which was located in the direction in which the suspect had fled, soon after the robbery occurred. The officers stated that the entry to the complainant’s room was done while in hot pursuit of a felon armed with a shotgun, and that they pointed their guns at the complainant for reasons of officer safety because they suspected that he was armed with a shotgun. The officers stated that they pointed their guns at the complainant only until he was handcuffed. The evidence established that the warrantless entry into the complainant’s room, and the detention of the complainant were unjustified. Everything that transpired after the onset of the unjustified entry and detention, including the pointing of firearms at the complainant, was the fruit of a poisonous tree and was unjustified.

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DATE OF COMPLAINT: 10/13/05 **DATE OF COMPLETION:** 05/30/06 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that officers entered his hotel room without knocking or requesting entry, and ordered him to the floor. The complainant stated that one officer, who he could not see, used profanity. All officers shown responding to the scene at the detention denied using profanity. Eight officers identified in communications records as responding to assist the detaining officers denied using profanity. One officer who responded to assist was unavailable to be interviewed by the OCC. There is insufficient evidence to identify the named officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8 & 9: The officers made inappropriate comments to and threatened the resident manager.

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

FINDINGS OF FACT: The complainant stated that officers entered his hotel room without knocking or requesting entry, pointed guns at him and ordered him to the floor because he allegedly fit the description of a suspect who committed a nearby armed robbery. The complainant stated that the desk clerk of his hotel told him that the officers threatened to kick in the complainant's door if the desk clerk did not give them the key to the complainant's room. The desk clerk stated that the officers asked if a tall black male wearing a long black coat had recently entered the hotel. The desk clerk stated that he told the officers that the complainant matched that description, but refused to give them the key to the complainant's room when they asked for it because they were not in hot pursuit. The desk clerk stated that one of the officers threatened to kick in the complainant's door if they were not given the key. The desk clerk stated that he telephoned the hotel manager to seek advice, and was told to give the officers the key. The hotel manager confirmed having this telephone conversation with the desk clerk. The two named officers both denied that any threat was made to kick in the complainant's door. A third officer who is listed on a hotel incident report as being present was unavailable for an interview by the OCC. No other witnesses to this interaction were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that officers entered his hotel room and handcuffed and detained him because he allegedly fit the description of a suspect wearing a long coat who committed an armed robbery nearby. The complainant stated that during the detention, officers handled his coat, and when he was released, there were tears to the lining of the coat. The two officers who detained the complainant denied damaging his coat. Numerous other officers who responded to assist denied damaging the complainant's coat. There is insufficient evidence to identify the named officer or to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATIONS #1 & 2: The officers ran a criminal history / wants and warrants check on the complainant without cause.

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

FINDINGS OF FACT: The evidence established that the named officers detained the complainant because he allegedly fit the description of a suspect who committed a nearby armed robbery. The robbery victim and a witness failed to identify the complainant during a cold show, and the complainant was released. Communications records establish that the named officers ran a criminal history / wants and warrants check on the complainant after his detention ended. The named officers stated that they did not recall running this check on the complainant. The evidence established that the officers had no justifiable cause for running a criminal history / wants and warrants check on the complainant after his detention ended.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/05 **DATE OF COMPLETION:** 05/14/06 PAGE #1 of 3

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

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

FINDINGS OF FACT: The officers stated they entered the complainant's home to arrest the complainant's husband for drunk driving, resisting arrest and assaulting an officer. That officer stated that she identified the complainant's husband at the threshold of his house. The officers did not recall whether the complainant gave them consent to enter. Four responding officers did not recall entering the complainant's home (the complainant filed her complaint one year after this incident.) There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #3: The officers used unnecessary force against the complainant's husband.

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

FINDINGS OF FACT: Each of the six officers who responded to the scene stated that they used no force during the arrest of the complainant's husband. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: Each of the six officers who responded to the scene stated that they did not search the complainant's residence. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: Each of the six officers who responded to the scene stated that they did not search the complainant's vehicle. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: Each of the six officers who responded to the scene denied yelling at the complainant and also denied using profanity. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was arrested for being intoxicated, and was transported to the County Jail. When the complainant was interviewed, he said that while enroute to the jail, the car stopped and the officers removed him from the vehicle and drove his head into a circular object on the trunk of the car. The complainant stated that he did not wish to pursue charges against any officer. The officers who transported the complainant stated that he was resistive and verbally abusive, and at one point began to move his handcuffs from behind his back. They stopped and summoned assistance. Two other officers responded, and the complainant was removed from the vehicle and his handcuffs were readjusted. All four officers denied using the force the complainant described. The complainant failed to respond to multiple requests for an OCC interview.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers used force on the complainant at the station.

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant stated she should not have been detained. The complainant admitted she was upset, angry, and refused to leave the premises. The officers stated the complainant was yelling, screaming, and disrupting others at the facility. The officers stated the complainant was not cooperative and was a danger to herself and others. The witness corroborated the officer's account of 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 #3-4: The officers used force during the detention of the complainant.

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

FINDINGS OF FACT: The complainant stated she was grabbed by the officers and forced to the ground. The complainant admitted she was angry and upset with the staff and officers at the scene. The officers stated the complainant was hostile, upset, and resisting. The officers stated the complainant was erratic and went onto the ground on her own accord. The witness stated the complainant was angry, hysterical, and assaulted one of the officers. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officers arrested the complainant for his violation of a stay away order from a specific location. The officers had recently arrested the complainant for the same violation on three previous occasions and recalled when the stay away order had been issued. The arrest was proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to display their department issued stars.

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

FINDINGS OF FACT: The complainant alleged that the plain clothes officers did not display their stars when they detained and arrested him. The officers stated that their stars were displayed. The witness declined to provide an interview to the Office of Citizen Complaints. The complainant knew these arresting officers from prior arrest.

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SUMMARY OF ALLEGATION #5: The officer performed a strip search without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer performed an unauthorized strip search of his person at a police station. The Office of Citizen Complaints found no documentation of a strip search authorization performed at the station in question. The officer denied performing a strip search of the complainant. There were no known witnesses. There was insufficient evidence to prove or disprove the allegation alleged by the complainant.

SUMMARY OF ALLEGATION #6: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged that the officer improperly handled his genitals during the performance of an unauthorized strip search of his person at a police station. The Office of Citizen Complaints found no documentation of a strip search authorization performed at the station in question. The officer denied the allegation of inappropriate behavior. There were no known witnesses. There was insufficient evidence to prove or disprove the allegation alleged by the complainant.

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SUMMARY OF ALLEGATIONS #7-8: The officers failed to maintain care and custody of a prisoner.

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged that the plain clothes officers did not properly provide him access to his prescription medication at a local police station, where he was held until he was transported to County Jail. The officers denied the allegation, stating that the complainant told them he did not need to take his prescribed medication until the following day. There were no known witnesses. There was insufficient evidence to prove or disprove the allegation alleged by the complainant.

SUMMARY OF ALLEGATIONS #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/01/05 **DATE OF COMPLETION:** 05/25/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that an ambulance and police were summoned for her because she was extremely drunk in the street outside a party. When the complainant kicked around and flailed her arms, the officer grabbed her by the hair, causing her face to scrape against the ground, and leaving bruises on her arm and elbow and on her eye. Three civilian witnesses who were friends of the complainant's confirmed that the complainant was highly intoxicated and resisting the officers as they attempted to place her into the ambulance. They stated that the officer grabbed the complainant by the hair, but differed on the other force used. One of them stated that the officer punched the complainant in the stomach; another stated that the officer punched the complainant in the eye. One stated that she saw the complainant's face scrape against the ground as the officers moved her towards the gurney. The two paramedics who responded stated that the complainant continually resisted by flailing and kicking and refusing to get onto the gurney. They saw the officer grab the complainant by the hair, but did not see the officer punch the complainant or see the complainant's face scrape the ground. The two responding officers stated that the complainant was extremely intoxicated and unable to care for herself, and that she continually resisted, both verbally and physically, attempts they and the paramedics made to get the complainant into the ambulance. The officers denied that the complainant was punched or that her face was scraped against the ground. The named officer stated that he used a San Francisco Police Department approved hair grab control to gain control of the complainant after the paramedics lost control of her. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment to the complainant

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

FINDINGS OF FACT: The complainant stated that an ambulance and police were summoned for her because she was extremely drunk in the street outside a party. When the complainant resisted getting onto the ambulance gurney, one of the officers threatened her if she did not get into the ambulance. The officer stated that he told the complainant that if she did not go with the paramedics, he would place a psychiatric hold on her. The officer explained that he based this on the complainant's extremely inebriated state and her inability to care for herself. The officer's partner and two paramedics confirmed that the complainant was extremely inebriated and appeared unable to care for herself and that she continually resisted efforts to place her in the ambulance. Three civilian witnesses who were friends of the complainant's confirmed that the complainant was highly intoxicated and resisting the officers as they attempted to place her into the ambulance, and that at one point she had lost consciousness. They stated that the officer's threat seemed to inflame the situation. There is insufficient evidence to prove or disprove whether the complainant's behavior legally qualified her for a 5150 psychiatric hold. Therefore, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was improperly cited for failure to yield to a pedestrian crossing the intersection in front of his taxi, and that he did not see a pedestrian. The named officer stated that he saw the complainant stop for a stop sign at the intersection, then proceed across it, narrowly missing an elderly pedestrian who was crossing the street on the opposite side of the intersection. The officer's partner confirmed this account, and stated that he contacted the seventy-five year old pedestrian and obtained her name and contact information, which he included in dispatch records. Dispatch records contain the name and ID information for the elderly pedestrian. A preponderance of the evidence established that the issuance of the citation was lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that he was improperly cited for failure to yield to a pedestrian crossing the intersection in front of his taxi. The complainant stated that the officer misrepresented the truth when he testified about this incident by claiming that the pedestrian was in the intersection, and that another officer interviewed the pedestrian. The named officer stated that he saw the complainant stop for a stop sign at the intersection, then proceed across it, narrowly missing an elderly pedestrian who was crossing the street on the opposite side of the intersection. The officer's partner confirmed this account, and stated that he contacted the seventy-five year old pedestrian and obtained her name and contact information, which he included in dispatch records. Dispatch records contain the name and ID information for the elderly pedestrian. The named officer stated that he testified truthfully in court. A preponderance of the evidence established that the issuance of the citation was lawful and proper, and that therefore the officer did not misrepresent the truth.