

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/08 **DATE OF COMPLETION:** 05/22/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated his former business associate is harassing him through relatives/friends who are members of the SFPD. The complainant said he has been threatened and his personal information is being disseminated to people with the intention to harass him and defame his character. The officer denied the allegation. The complainant did not identify the officer in a photo spread. There is no other evidence or witnesses. There is insufficient evidence to 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: Unwarranted Action for issuing a parking citation without cause.

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

FINDINGS OF FACT: The complainant admitted doing that for which they were cited, parking in a bus zone.

SUMMARY OF ALLEGATION #2: Conduct Reflecting Discredit for inappropriate behavior and comments.

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

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

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SUMMARY OF ALLEGATION #1: The officer provided misleading information.

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim against the SFPD regarding towed vehicle storage fees. According to the claimant, an SFPD member gave him misleading information over the phone, which prevented the claimant from taking timely and necessary actions and resulted in a substantial financial loss. The claimant did not respond to the OCC's phone and written requests for additional evidence in regards to this incident. 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 intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers damaged her property while they executed a warrant. The officers had a search warrant and were looking for items used by the complainant's nephew during the commission of a felony and indicia of the complainant's nephew in the residence. The complainant stated her nephew did not reside at her residence. Computer records revealed San Francisco Police Department had probable cause to believe the complainant's nephew listed his address as that of the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 14, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant failed to provide needed information.

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 **DEPT. ACTION:**

FINDINGS OF FACT: The complainant failed to provide needed information to investigate the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated in her civil claim that the officer knocked her teeth out and broke her jaw to retrieve rock cocaine. The incident report documents that the complainant wrote a statement contradicting her statement in the civil claim. The complainant did not respond to attempts to contact her.

SUMMARY OF ALLEGATION #2:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant stated her contact with the officer consisted of one telephone conversation regarding the burglary of her residence. The officer stated he made a courtesy call to the complainant to advise that he was not assigned to investigate this matter. This case was formerly assigned to another investigator the day after this telephone call occurred.

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

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

FINDINGS OF FACT: The complainant stated there were no witnesses to her telephone conversation with the officer. The officer denied the allegation. He stated he may have used the term, "wild goose chase" but stated it was used in context with the information he was trying to relay to the complainant, the evidence needed to conduct a burglary investigation. That term alone does not rise to the level of sustainable misconduct.

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

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

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

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

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

FINDINGS OF FACT: The named member denied that he stared inappropriately at the complainant's body or made an inappropriate comment. No witnesses to the conversation came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to follow proper procedures for asset forfeiture.

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

FINDINGS OF FACT: The complainant said that she had not been informed she had to take an asset forfeiture claim form to the district. The named member denied the allegation, stating that he had informed the complainant of the process for filing a claim. Department records indicated the complainant signed a document acknowledging receipt of a document that instructs her that she had to file the document with the district attorney's office.

SUMMARY OF OCC-Added ALLEGATION #1: The officer failed to follow proper procedures for asset forfeiture.

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

FINDINGS OF FACT: The named officer denied the allegation, indicating that he investigated the claim that someone else owned the money by interviewing both the complainant and the arrestee and received inconsistent statements regarding the money at issue. The complainant and the witness provided inconsistent statements to the OCC, as well. Department records indicated the complainant signed a document that informed her she had to file the document with the district attorney and she admitted she did not do so within the time period required. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/15/08 **DATE OF COMPLETION:** 05/06/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer acknowledged asking the complainant a question about a photograph of a drug lab in the complainant's home. The officer also stated that he did not believe the complainant when the complainant stated he was a veteran of the Vietnam War. It was determined that the complainant was too young to be a veteran of the Vietnam War. The question posed by the officer did not rise to the level of misconduct.

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

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

FINDINGS OF FACT: The complainant stated his neighbor stole drugs from him and he called the police. The neighbor told the police that the complainant sold the drugs to her. The statements made by the complainant were illogical and inconsistent. The officers had probable cause to believe that the complainant committed a crime. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The officer has resigned from the San Francisco Police Department.

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

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

FINDINGS OF FACT: The officer has resigned from the San Francisco Police Department.

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SUMMARY OF ALLEGATION #5: The officer failed to return all of the complainant's property.

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

FINDINGS OF FACT: The officer stated that all of the complainant's property was returned to him. The Station Keeper did not recall the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to return all of the complainant's property.

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

FINDINGS OF FACT: The officer has resigned from the San Francisco Police Department.

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SUMMARY OF ALLEGATION # 1: The officer drove unsafely.

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

FINDINGS OF FACT: The complainant stated that the officer made an illegal turn nearly hitting the complainant at the crosswalk. The officer denied driving and/or making the turn in the manner described by the complainant. There were no identifiable witnesses to this contact. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at her to get out of the way when he was making an illegal turn. The officer stated that he merely “instructed” the complainant to wait when he was clearing the intersection. There were no identifiable witnesses to this encounter. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 1: The officer failed to write a report.

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

FINDINGS OF FACT: The complainant stated that the officer refused to write a police report regarding a traffic collision that involved the complainant's wife and only assisted both of them in exchanging information with the other driver. The OCC found that the Department Policy on Vehicle Accidents does not require officers to investigate and report the type of collision described by the complainant. Given specific circumstances of the occurrence, the officer's decision not to document the incident in a report format was within policy.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT The officer stated he conducted an exterior pat search of the complainant for officer safety reasons. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not take any property from the complainant. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT The complainant alleged that the officer issued him a citation without cause. The officer denied the allegation. The officer stated that he observed the complainant's vehicle parked within the crosswalk blocking foot traffic. One witness stated that a portion of the complainant's vehicle was on the white line of the crosswalk. No other witness came forward. The evidence proved that the act, which provided the basis for the allegation occurred. However, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments during the contact. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/29/08 **DATE OF COMPLETION:** 05/29/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated a witness told him that an officer in a patrol car kicked his vehicle. In his OCC interview, the witness could not recall the number of the patrol vehicle. The witness could only identify the officer as a white male. The officers driving the vehicle stated they did not have any contact with the complainant's vehicle. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated a witness told him that an officer in a patrol car used profanity when referring to the complainant. In his OCC interview, the witness could not recall the number of the patrol vehicle. The witness could only identify the officer as a white male. The officers driving the patrol car stated they did not have any contact with the complainant's vehicle. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 02/25/08 **DATE OF COMPLETION:** 05/23/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly process the complainant's property.

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 officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The officers denied the allegation. There were no available witnesses. 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:** 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 threatened the complainant.

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

FINDINGS OF FACT: The officer and another officer denied the allegation. 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:

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SUMMARY OF ALLEGATION #1: The officers conducted an improper search.

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

FINDINGS OF FACT: The complainant alleged that an improper search was conducted at the station. The officer denied the allegation. No other witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers made inappropriate comments.

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

FINDINGS OF FACT: The officers denied making inappropriate comments to the complainant while she was inside the patrol car. There were no witnesses. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant filed a civil claim with the City of San Francisco regarding alleged domestic abuse that occurred a year earlier in San Diego. When that claim was denied, the complainant went to the Domestic Violence Unit to file a report. The complainant alleged that the officer yelled at him while escorting him to the Victim's Assistance Program. The named member denied the allegation. The complainant stated an officer witnessed this incident. The witness officer stated he did not hear the officer yell at the complainant. The witness officer further stated the complainant was refusing to move and was "ranting and raving" in the stairwell. There were no other witnesses or additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments and/or behaved inappropriately. The officer denied the allegation and said that he was misquoted. OCC's investigation established that the alleged comment did not rise to a level of misconduct. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer cited her passenger without justification. California Vehicle Code 27315(e) states, "Any person 16 years of age or older may not be a passenger in a motor vehicle unless that person is properly restrained by a safety belt." The complainant's passenger admitted that she had not properly worn her seatbelt. 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 ALLEGATIONS #1: The officer cited the complainant without justification.

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

FINDINGS OF FACT: The complainant said she had her seatbelt on but had pulled the shoulder strap under her arm because it scraped her neck. The officer cited the complainant for no seat belt per CVC 27315 (d) which states a person must be properly restrained.

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer behavior and language were inappropriate.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 15, 2008.

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 on the complainant.

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

FINDINGS OF FACT: The complainant stated an officer pushed her to the ground in the midst of a fight occurring outside a nearby nightclub. The descriptions of the officer provided by the complainant and a witness were inconsistent. The officer at the scene denied having any contact with the complainant. The officer could not be identified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 : The officer used profanity.

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

FINDINGS OF FACT: The complainant said the officer used profanity. The investigation was unable to identify the officer. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant said the officer used unnecessary force against her during the incident. The investigation was unable to identify the officer. There is insufficient evidence to reach a definitive finding.

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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 complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

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SUMMARY OF ALLEGATION #1: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant wrote that the officer made entry into the incorrect apartment and subsequently damaged the property at the residence. In reviewing the search warrant filed by the officer, the listed address was verified as the residence for both the complainant and his son. 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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SUMMARY OF ALLEGATION #1: The officer intentionally damaged complainant's property.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to waive charges.

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

FINDINGS OF FACT: The claimant stated she never intended to file an administrative complaint against an officer, and withdrew this OCC complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer towed a car without justification.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers damaged the complainant's property.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/08 **DATE OF COMPLETION:** 05/16/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officers arrested him without cause. The complainant was arrested for trespassing on private property. The evidence gathered established that the complainant was arrested under private persons arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-6: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force during his arrest. The Office of Citizen Complaints obtained a video footage of the complainant's arrest. The video failed to corroborate the complainant's allegations against the officers. The evidence proved that the acts alleged in the complaint did not occur, or that the officers were not involved in the acts alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/08 **DATE OF COMPLETION:** 05/06/08 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant is a juvenile. The complainant's grandmother was sent a juvenile consent form and failed to return it as requested.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/08 **DATE OF COMPLETION:** 05/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant requested that the complaint be withdrawn.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/08 **DATE OF COMPLETION:** 05/06/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer intentionally damaged complainant's property.

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/08 **DATE OF COMPLETION:** 05/16/08 **PAGE#** 1 of 1

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

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

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

District Attorney
850 Bryant Street, Suite 322
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/08 **DATE OF COMPLETION:** 05/29/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. It was referred for further investigation to:

Commanding Officer/OIC
Investigative Services Unit
San Francisco Sheriff's Department
25 Van Ness Avenue, 3rd Floor
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/08 **DATE OF COMPLETION:** 05/22/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant provided insufficient evidence to identify whether or not the person he was complaining of was a member of the SFPD. A witness denied that plain clothed officers work in the store or in the mall where the store is located. There is insufficient information to identify the person who conducted himself or herself in the alleged manner. A dispositive finding cannot be reached.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/08 **DATE OF COMPLETION:** 05/09/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This allegation raises matters outside OCCs jurisdiction.

CATEGORY OF CONDUCT: IO1 **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This allegation has been referred to:

San Francisco Sheriff's Department
Internal Investigative Unit
25 Van Ness Avenue, Room 320
San Francisco, CA 94102
(415) 554-2380

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/08 **DATE OF COMPLETION:** 05/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The investigation is unable to proceed, based on the complainant's untimely death (DOD May 18, 2008).

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/08 **DATE OF COMPLETION:** 05/09/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant wrote on his citizen complaint form that he was detained without justification. The complainant did not provide a verbal statement to the OCC regarding the facts of his detention. Evidence collected by OCC showed that officers were dispatched to a call of a robbery of a bicycle. Dispatch provided a physical and clothing description of the suspect who took the bicycle. Officers detained the complainant because he fit the provided descriptions and had the bicycle with him when the officers detained him. The preponderance of the evidence established that the officers had probable cause to detain the complainant, and their actions were lawful and proper.

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

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

FINDINGS OF FACT: The complainant wrote on his complaint form that he was arrested without cause. Evidence collected by the OCC showed that the complainant was arrested when officers were dispatched to the scene of a robbery and located the complainant who fit the description of the alleged robber. Officers arrested the complainant following his positive identification during a cold show, by the victims of the robbery. The complainant had the stolen property with him when detained and arrested by the officers. The preponderance of the evidence established that the officers had probable cause to arrest the complainant, and their actions were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/08 **DATE OF COMPLETION:** 05/09/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: This complaint raises matters outside OCCs jurisdiction.

CATEGORY OF CONDUCT: IO1

FINDING: IO1

DEPT. ACTION:

FINDINGS OF FACT: This allegation has been referred to:

San Francisco Sheriff's Department
Internal Investigative Unit
25 Van Ness Avenue, Room 320
San Francisco, CA 94102
(415) 554-2380

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/08 **DATE OF COMPLETION:** 05/16/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant in this case is a juvenile. The complainant's mother was sent a consent form. She has not returned the consent form and has not contacted the Office of Citizen Complaints.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/08 **DATE OF COMPLETION:** 05/22/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleges the officers failed to write an Incident Report. The evidence shows that the officers prepared a report documenting the incidents involving the complainant. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/08 **DATE OF COMPLETION:** 05/16/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the police report did not contain the name or star number of the reporting officer and that the listed violations on the report header did not match corresponding sections of the Penal Code. The Office of Citizen Complaints review of the relevant police report showed that it did contain the name and star number of the reporting officer. The Office of Citizen Complaints also found that the Coding System for the violations listed in the San Francisco Police Department Incident Report header was not designed to match and/or directly correspond to the relevant California Penal Code Sections. The available evidence proved that the misconduct alleged by the complainant did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/08 **DATE OF COMPLETION:** 05/16/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/08 **DATE OF COMPLETION:** 05/22/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer towed the car without justification.

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information regarding the alleged misconduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

San Jose Police Department
Internal Affairs
777 North First Street, Suite #3666
San Jose. CA 95112

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/08 **DATE OF COMPLETION:** 05/22/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Central Station.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Central Station.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/08 **DATE OF COMPLETION:** 05/28/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The investigation is unable to proceed, based on the complainant's untimely death (May 18, 2008).

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/08 **DATE OF COMPLETION:** 05/28/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was riding his bicycle on the bicycle lane next to the Hall of Justice when a passenger opening a door of a car in the bicycle lane hit him. The complainant said that two officers witnessed the incident from about 50 yards and did not come over to see if he was okay and did not cite the car. He said the officers left in a wagon. The complainant did not have any identifying information other than the officers were Caucasian. There were no other witnesses. There is insufficient information to prove or disprove the allegation, as there are many wagons that go in and out and around the Hall of Justice.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

Lt. Mary Petrie
San Francisco Police Department
Vice Crimes
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/08 **DATE OF COMPLETION:** 05/09/08 **PAGE#** 1 of 1

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

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

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

MTA/DPT
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/08 **DATE OF COMPLETION:** 05/24/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department refused to return the complainant's impounded vehicle to him because he did not have a California driver's license.

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

FINDINGS OF FACT: The California Vehicle Code states that drivers who are California residents must have a valid California driver's license. The complainant told the officer he was a resident of San Rafael, and had lived there for the past 18 months. The complainant provided a California landline telephone number. The complainant's vehicle is registered in California. The Department's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/08 **DATE OF COMPLETION:** 05/20/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide his name upon request.

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

FINDINGS OF FACT: The investigation is unable to proceed, based on the complainant's untimely death (May 18, 2008).

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/16/08 **DATE OF COMPLETION:** 05/21/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside the Office of Citizen Complaints' jurisdiction.

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

FINDINGS OF FACT: This complaint raises matters outside the Office of Citizen Complaints' jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/08 **DATE OF COMPLETION:** 05/23/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer's badge number. The badge number was retired three months before this incident occurred. The officer could not be identified.

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

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

FINDINGS OF FACT: The complainant stated the officer's badge number. The badge number was retired three months before this incident occurred. The officer could not be identified.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/08 **DATE OF COMPLETION:** 05/23/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated the officer's badge number. The badge number was retired three months before this incident occurred. The officer could not be identified.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/08 **DATE OF COMPLETION:** 05/23/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/07 **DATE OF COMPLETION:** 05/23/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to follow proper procedures as detailed in 22852 CVC.

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

FINDINGS OF FACT: The officer denied the allegation, stating he listened and provided the co-complainant with a tow hearing. The officer said he could not rule in the co-complainant's favor without further investigation. The named officer stated he provided the co-complainant with a "Request for Review by Supervisor" form and explained the procedure of the supervisor's investigation. The complainant's presented the copy of their "Request for Review by Supervisor" appeal and a copy of the taped recording of their interaction with the named 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 #2: The officer made inappropriate comments and behavior.

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

FINDINGS OF FACT: The officer denied the allegation, stating he provided the co-complainant a tow hearing, as required. The officer stated the complainant constantly interfered and made it difficult for him to talk to the co-complainant. The co-complainant said the named officer was rather "mute" to the complainant's argument regarding the legality of the tow. The co-complainant stated while he wrote the appeal of the tow hearing, the co-complainant argued with the named officer about due process. The complainant's presented a copy of the taped recording of their interaction with the named officer. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/07 **DATE OF COMPLETION:** 05/23/08 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to follow towing procedures.

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

FINDINGS OF FACT: The officer denied the allegation, stating on May 28, 2007, she queried and affixed a 37A warning notice to the windshield of the complainant's vehicle, due to citizen complaints. The officer said she kept her white copy of the 37A notice for her records. The named officer stated she returned to the same location on June 3, 2007 and found the co-complainant's vehicle still parked in the same location. The named officer said the 37A notice was no longer attached to the windshield of the vehicle. The officer towed the vehicle for 37A TC and provided her copy of the original 37A warning to the tow driver. The named officer documented the query of the co-complainant's vehicle on the CAD of May 28, 2007. The officer corroborated the initial query and checked on the vehicle along with the tow violation in the CAD of June 3, 2007. The witness officer corroborated the named officer's account of the 37A notice process according to both CAD's on May 28, 2007 and June 3, 2007. The witness officer stated he has worked with the named officer for four years and she is meticulous and very organized, as indicated by the CAD entries of the 37A notice and violations.

During the OCC interview, the co-complainant admitted several times that he routinely moves his van and puts it right back in the same place. The co-complainant said he understands that it is fine to move his vehicle and return it to the same location, as long as he moves the vehicle. The 37A notice clearly states to comply with the ordinance the vehicle must be moved at least one block (or equivalent to one tenth of a mile.) The complainants corroborated they found the officer's white copy of the 37A notice on the towed vehicle at Pier 70.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/06 **DATE OF COMPLETION:** 05/24/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1 - #4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The police arrived at the complainant's residence because of a 911 call made, as shown in CAD records, with caller complaining of a person threatening to shoot passersby from a window at the complainant's hotel. They entered the complainant's rooms under this exigent circumstance, and saw the seven marijuana plants that the complainant had in his rooms. The Compassionate Use Act of 1996 [California Health and Safety Code §11362.5 *et seq.*, 2006] allowed a qualified patient to have six plants [California Health and Safety Code §11362.77], and the complainant had seven plants, and no authorization from a physician to have more plants than six. The police appropriately arrested the complainant under current SFPD policy regarding marijuana cultivation and under the Compassionate Use Act of 1996. Probable cause existed for the arrest. 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 #5: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: All officers denied the allegation. No evidence of unnecessary force, as the complainant did not have injuries. No way to contact possible witness, as possible witness does not have address or phone. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/06 **DATE OF COMPLETION:** 05/24/08 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #6: The officer conducted a search of the complainant's room without cause.

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

FINDINGS OF FACT: All officers denied the allegation. No evidence of a search of the complainant's room. The Incident Report describes the marijuana plants in plain sight in the complainant's bathtub when officers entered the room under exigent circumstances to check on a man threatening to shoot people from the window. No way to contact possible witness, as the witness did not have an address or phone. No other witness identified by either the complainant or police. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officers engaged in inappropriate behavior and comments.

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

FINDINGS OF FACT: All officers denied the allegation. No way to contact possible witness, as the witness did not have an address or phone. No other witness identified by either the complainant or police. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/06 **DATE OF COMPLETION:** 05/24/08 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #8: The officer failed to write an accurate Incident Report.

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

FINDINGS OF FACT: All officers denied the allegation. No evidence of inaccuracy of report was forthcoming from the complainant. No way to contact possible witness, as the witness did not have an address or phone. No other witness identified by either the complainant or police. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: A Miranda Warning is not mandatory under these circumstances. The complainant is not a juvenile, and was not questioned by the police after his arrest.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/07 **DATE OF COMPLETION:** 05/16/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION # 1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity. The officer stated he did not use profanity toward the complainant. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 2: The officer used force on the complainant.

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

FINDINGS OF FACT: The complainant stated the officer grabbed, jerked, and shoved him. The complainant said the officer forced him to the ground. The officer stated he used a department approved hair pull take down and stated that this was the only physical contact that he employed against the aggressive complainant. The officer further stated that the complainant was not injured or complained of pain. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer issued a citation to him without cause. The complainant stated he did not challenge the officer nor did he resist the officer. The officer stated the complainant was issued a citation for challenging to fight in public and for resisting arrest. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was handcuffed without any reason. The complainant stated he was not fighting or resisting at the scene. The officer stated he handcuffed the complainant because he was arrested for challenging to fight in public. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause. The complainant stated he was not challenging or resisting the officer. The officer stated the complainant was hostile and verbally abusive. 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:

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that force he used was necessary to control the complainant's combativeness and control him at the booking counter. The witness officer stated the force used was necessary to overcome the complainant's resistance at the booking counter. Possible witnesses were either not locatable [no local address], or did not respond to OCC request to be interviewed. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profane language.

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

FINDINGS OF FACT: The officer denied the allegation. The witness officer states he did not hear the named officer use profanity during the incident. Possible witnesses were either not locatable [no local address], or did not respond to OCC request to be interviewed. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denies the allegation. The witness officer says he did not hear the named officer behave or speak inappropriately during the incident. Possible witnesses were either not locatable [no local address], or did not respond to OCC request to be interviewed. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used a sexual derisive term.

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

FINDINGS OF FACT: The officer denies the allegation. The witness officer says he did not hear the named officer use a sexual slur during the incident. Possible witnesses were either not locatable [no local address], or did not respond to OCC request to be interviewed. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer used profane language.

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

FINDINGS OF FACT: The named officer denies the allegation. The witness officer states that he did not hear the named officer use profanity during the incident. Possible witnesses were either not locatable [no local address], or did not respond to OCC request to be interviewed. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that was assaulted and robbed on the street by two men who took his wallet and cellular phone. The complainant's friend came to assist him, and one of the assailants fled. The complainant and his friend followed the second assailant. When police officers arrived, the complainant identified the man they had been following, who was detained along with them, as one of the men who assaulted and robbed him and said he wanted him arrested. The complainant said he had blood on his face and shirt as a result of the assault. The complainant said the named officer failed to properly investigate or to arrest the assailant and did not prepare a report. When the complainant returned to his hotel, he called 911 and an officer from a different station responded and write a report about the robbery, since the complainant's identification had been stolen along with his wallet and he needed it to board a plane the following day. Department records confirm that an officer responded to the complainant's hotel and took an incident report concerning the robbery. The complainant's companion confirmed the complainant's account of the incident and said that as he and the complainant followed the assailant, he attempted to call 911 but was unsuccessful because his cell phone battery was weak. Communications records confirm that the complainant's companion made two dropped calls to 911 from his cell phone. The man detained along with the complainant and his companion said he told the officer that he was walking down the street when the complainant assaulted him without provocation and that he struck the complainant in the face in response. He said the complainant and his companion followed him for several blocks until the police arrived. This detainee said he was bleeding from the face as a result of the complainant hitting him. He denied robbing the complainant. The named officer stated that he saw the complainant fighting with another man and detained them both along with the complainant's companion. The named officer said both the complainant and the other man were bleeding from the face, and they both claimed to have been assaulted without provocation. The complainant decided not to press charges against the other man when the named officer informed him that the other man would then press charges against him. The other man who was detained denied speaking with the named officer about pressing charges. The named officer also said the complainant did not mention being robbed until the alleged robber had been released, and then acknowledged that he was uncertain how he lost his wallet. The named officer said he repeatedly offered to prepare an incident report but the complainant declined one, and that he was therefore not required to prepare a report. Two witness officers said they did not pay close attention to the conversation the named officer had with the complainant and the other two men who were detained. A preponderance of the evidence established that the named officer was required to write an incident report because a crime had been reported to him and that the failure to write a report was improper.

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SUMMARY OF ALLEGATION #2: The officer made inappropriate statements

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

FINDINGS OF FACT: The complainant stated that was assaulted and robbed on the street by two men. The complainant's friend came to assist him, and one of the assailants fled. The complainant and his friend followed the second assailant. When police officers arrived, the complainant identified the man they had been following, who was detained along with them, as one of the men who assaulted and robbed him. The complainant said the named officer failed to properly investigate or to arrest the assailant and repeatedly made inappropriate comments to him and his companion when they attempted to tell him what happened. The complainant's companion confirmed his account of the incident. The man detained along with the complainant and his companion said he did not recall the officer making the specific inappropriate statement alleged by the complainant. Two witness officers said they did not pay close attention to the conversation the named officer had with the complainant and the other two men who were detained. The named office denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that was assaulted and robbed on the street by two men. The complainant's friend came to assist him, and one of the assailants fled. The complainant and his friend followed the second assailant. When police officers arrived, the complainant identified the man they had been following, who was detained along with them, as one of the men who assaulted and robbed him. The complainant said the named officer failed to properly investigate or to arrest the assailant and used profanity to him and his companion when they attempted to tell him what happened. The complainant's companion confirmed his account of the incident. The man detained along with the complainant and his companion said he did not recall the officer using profanity. Two witness officers said they did not pay close attention to the conversation the named officer had with the complainant and the other two men who were detained. The named office denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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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 during the incident and accused him of pointing a deadly weapon at him when he attempted to videotape him with his camera phone. The officer denied yelling but said he may have raised his voice because the complainant felt he was not subject to a citation and was not showing him his license. The passengers were witnesses, however, the complainant did not want to involve them. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to provide his name and badge number.

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

FINDINGS OF FACT: The complainant said the officer did not provide his name and badge number when requested and told him that it would be on the ticket. The complainant stated that the officer signed his initials on the ticket and the complainant asked him for a business card and he responded that he did not need to give him one. The officer denied the allegation. The passengers were witnesses, however, the complainant did not want to involve them. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION: The officer failed to provide his name and badge.

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

FINDINGS OF FACT: The complainant said a plainclothes officer at the scene did not provide his name and badge number when requested. The initial officer at the scene does not recall who the officer was other than a GTU officer. The roster showed one officer working at the same time in the GTU, however, he denied having any contact or knowledge of this incident. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant said that per federal law for interstate pickups he is not required to have the permits required of San Francisco limousine drivers. The officer stated he is not familiar with the RITE Act. The complainant is exempt from state/local fees/fines per the RITE Act. The officer was not trained to enforce the RITE Act and he was not aware of it.

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SUMMARY OF ALLEGATION #1 & #2: The officers issued a citation without cause.

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

FINDINGS OF FACT: The complainant admitted doing that for which she was cited.

SUMMARY OF ALLEGATION #3 & #4: The officers used force during the arrest against the complainant.

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

FINDINGS OF FACT: The officers denied that unnecessary force was used. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5 & #6: The officers failed to provide required information [failed to tell the complainant why she was stopped].

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

FINDINGS OF FACT: The officers denied that they failed to tell the complainant why she was stopped. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer used sexually derisive language.

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

FINDINGS OF FACT: The officer stated that he had no recollection of using the language that was attributed to him. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating he received an unidentified citizen's complaint regarding the complainant's vehicle being possibly abandoned. The officer stated on May 8, 2007 at 1300 hours, he marked the van's tire and the street to establish the van's parked position, and attached the 37A notice on the complainant's van. The officer said he returned on May 11, 2007 and found the complainant's van in the same location, evident by his marking on the tire and street. The officer could not recall if the 37A notice was still affixed to the complainant's van. The van was towed on May 11, 2007 at 0936 hours. It was towed by dolly, due to a mechanical issue.

During the OCC interview, the officer presented his copy of the original 37A notice he placed on the complainant's vehicle. The copy of the 37A notice revealed the officer towed the complainant's vehicle at less than the 72 hours allowed. The van was towed approximately 68.5 hours after being posted, 3.5 hours less than the lawful tow time of 72 hours. A preponderance of the evidence showed that the act alleged did occur, however using as a standard the applicable regulations of the Department, the towing of the complainant's van was improper.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not tell the complainant that he didn't care about his situation. The officer said he informed the complainant he had no choice but to tow his van because it was not running. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to accept a private person's arrest. The officers denied the allegation and said that there was no crime committed. Department General Order 5.04 requires that the officers establish probable cause before accepting a private person's arrest. In this instance, the primary officers determined that there was no probable cause to believe that the person committed the crime in question. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

OCC ADDED ALLEGATION

SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an Incident Report.

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

FINDINGS OF FACT: This is a case where the complainant called the police to have a person arrested for allegedly assaulting him. After their preliminary investigation, the officers determined that there was no probable cause to believe that the person committed the crime in question. The officers stated that they did not prepare an Incident Report because no crime was committed. DGO 5.04, which took effect on August 4, 2007, makes it mandatory for the officers to prepare an Incident Report in all instances involving requests for private person's arrest. However, there is no showing that officers were adequately informed and apprised of such directive, making them aware of its mandatory requirement, on or prior to the occurrence of the incident in question. 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 # 1-2: The officers unlawfully entered the complainant's residence to effect an arrest on July 6, 2007.

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

FINDINGS OF FACT: The officers entered the complainant's residence and arrested the complainant without a warrant. One officer knocked on the complainant's door, but when the complainant replied from behind the closed door, the officer did not announce that he was a police officer. Rather, the officer identified himself merely by his first name. When the complainant opened the door and saw the police officers, he declined to come out of the residence and attempted to close the door, whereupon the first officer forced his way into the residence and he and two Sheriff's deputies took the complainant into custody. The officers entered the complainant's room, where they arrested him. The officers had probable cause to arrest the complainant on domestic violence charges, but had neither a warrant nor exigent circumstances to enter and arrest the complainant in his residence .

SUMMARY OF ALLEGATIONS # 3: The officers unlawfully searched the complainant's residence on July 6, 2007.

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

FINDINGS OF FACT: Once inside the complainant's residence, the officers looked for other persons in the bathroom, the closet, and around the furniture. Because the entry for arrest was unlawful, once inside, the officer was not justified to search the residence for any purpose.

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SUMMARY OF ALLEGATION # 4: The officers unlawfully searched the complainant's residence on July 6, 2007.

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

FINDINGS OF FACT: The officer denied searching the complainant's room. Another officer admitted to conducting a search of the complainant's room. The evidence proved that the acts alleged in the complaint were not committed by the named member.

SUMMARY OF ALLEGATION # 5: The officer unlawfully entered and searched the complainant's residence on July 25, 2007.

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

FINDINGS OF FACT: The officer went to the complainant's residence with the intent to arrest him. Other officers knocked on the complainant's door, but there was no response. The officer went to the fire escape window, and, using a crowbar, opened the window and entered and searched the complainant's residence. The officer had probable cause to arrest the complainant on contempt charges, but had neither a warrant nor exigent circumstances to enter and search the complainant's residence .

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SUMMARY OF ALLEGATION #6-7: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers lawfully arrested the complainant for violating an EPO.

SUMMARY OF ALLEGATION #8: The officer(s) filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant stated he was charged with resisting arrest. The record discloses the complainant was not so charged.

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SUMMARY OF ALLEGATION #9: The officer(s) misused their authority.

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

FINDINGS OF FACT: The complainant stated the officers(s) conspired with his landlord to jeopardize a civil case in which the complainant was a plaintiff. There was no evidence to support 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 officer denied the allegation. The complainant did not provide any information about other officers who could be allegedly harassing him, or about possible witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2 & #3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers denied the allegation, documenting in the Incident Report that the complainant was detained for riding his bicycle on the sidewalk, then arrested because he had no photo ID needed for cite and release. The male officer corroborated the arresting officer, no other witnesses known. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4 & #5: The officers used unnecessary force during arrest.

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

FINDINGS OF FACT: The officers denied the allegation, stating that the force used was minimal and necessary in order to overcome the complainant who was seriously resistive during the arrest and force was used to control the complainant during the arrest. There were no witnesses identified other than officers who arrived after most of the event had already occurred. 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 detained the complainant without justification

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

FINDINGS OF FACT: The officer responded to a noise complaint and detained the complainant, who was admittedly so intoxicated he did not remember his own name.

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

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

FINDINGS OF FACT: The officer stated the complainant gave him consent to enter the residence to look for the complainant's brother in order to get care for the admittedly intoxicated complainant. Once inside, the officer saw and smelled marijuana and narcotics paraphernalia. The complainant denied giving officers consent to enter his residence but admitted giving the officer a false name. There were no witnesses to the initial encounter.

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SUMMARY OF ALLEGATION #3: The officer entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officer stated he responded to a complaint of loud music at the complainant's residence. When the officer arrived at the residence, he found the complainant outside. The complainant was admittedly intoxicated. The officer said the complainant asked him to go into the house and look for his brother, who could help him. The officer entered the open door and, after seeing marijuana and narcotics paraphernalia in plain sight, continued to look for the brother, pushed open an inner door that was ajar, and discovered additional marijuana under cultivation. The officer stated the entry was with the complainant's consent and that the initial search was for the brother, under the "community caretaking" exception. The officer further stated the discovery of the illegal substances was in plain view/plain smell, and that the further intrusion was in furtherance of the original community caretaking function. The complainant denied giving the officer consent to enter. There were no witnesses to the initial encounter.

SUMMARY OF ALLEGATIONS #4-7: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officers responded after the initial detention had converted into a felony custodial arrest, requiring an extensive investigation. The officers entered the residence in good faith in reliance upon the arresting officer's representation that the initial entry was lawful.

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SUMMARY OF ALLEGATION #8: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated an officer called him a profane name. The complainant was unable to identify the officer.

SUMMARY OF ALLEGATIONS: #9-10: The officers detained an individual other than the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he called his girlfriend to come to the scene. When she arrived, a felony investigation was underway. The officers stated they detained the complainant's girlfriend in connection with that investigation. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The officers said the complainant was detained because of his suspicious behavior in a high crime area. The complainant said he had merely stepped outside his house to retrieve something from his vehicle and intended to immediately return to his house when confronted by officers. There was inconsistent evidence in the investigation. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officers said they had probable cause to arrest the complainant because he refused to comply with the officers' orders, had to be physically detained, physically resisted the officers, refused to answer officers' questions and did not have identification. The complainant said he did not have identification because he had only momentarily exited his house to retrieve something from his vehicle and intended to immediately return to his house. The complaint admitted resisting the officers' effort to place him into the patrol car stating that he did so because he believed the officers did not have reasonable suspicion to detain or probable cause to arrest him. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #7-9: The officers racially profiled the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #10-12: The officers conducted themselves in an inappropriate manner.

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

FINDINGS OF FACT: The officers denied the allegation. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #13-15: The officers used unnecessary force.

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

FINDINGS OF FACT: The officers denied the allegation. No third officer was identified as having used force. An entry was made in the Use of Force Log. SFFD Paramedic Report documents the complainant's complaint of pain. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #16 and 17: The officers used a racial slur.

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

FINDINGS OF FACT: The officer denied the allegation. A second offending officer was not positively identified. Witness officer denied hearing the alleged slur. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #18: The officer made inappropriate comments.

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

FINDINGS OF FACT: The officers denied the allegation. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #19: The officer pointed a weapon at the complainant without cause.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied witnessing the alleged conduct. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/07 **DATE OF COMPLETION:** 05/21/08 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer seized the complainant's property with justification.

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

FINDINGS OF FACT : The officer denied the allegation, stating she confiscated the complainant's California Drivers License and forwarded it to the Department Motor Vehicle, per State Law. The named officer said she did not take any other items from the complainant. The initial officer onscene and the assisting officer corroborated they handled only the complainant's California driver's license. The officers corroborated the complainant's California driver's license was confiscated and returned to Department Motor Vehicle, due to its suspended status. There is insufficient evidence to either prove or disprove the allegation made in the complaint

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

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

FINDINGS OF FACT: The officer denied the allegation, stating she wrote the citation to the complainant for a seatbelt violation and driving with a suspended license. The officer stated the initial officer onscene observed the violations. She documented the initial officer's observations and suspension record on the citation and the 14601 CVC report. The initial officer and the assisting officer corroborated the named officer's account of the violations and the issuance of the citation.

The complainant stated his driver's license was restricted to drive only to and from work. The complainant stated he had a restriction, but had just come from school and considered it to be the same difference. The complainant mentioned his insurance agent misled him. His insurance agent told him that he could drive. 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 #3: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT : The officer denied the allegation stating the complainant was driving with a suspended license in violation of 14601.1(a)VC. It is department policy that the vehicle be towed. Both assisting officer corroborated the named officer's account of towing vehicles for a suspended license. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT : The complainant failed to provide sufficient evidence to identify the alleged officer. No other witnesses came forward .

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SUMMARY OF ALLEGATION #5: The unidentified officer failed to take an OCC complaint.

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

FINDINGS OF FACT : The complainant failed to provide sufficient evidence to identify the alleged officer . No other witnesses came forward.

SUMMARY OF ALLEGATION #6: The unidentified officer failed to provide a star number.

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

FINDINGS OF FACT : The complainant failed to provide sufficient evidence to identify the alleged officer . No other witnesses came forward.

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SUMMARY OF ALLEGATION #7: The unidentified officer seized the complainant's property without justification.

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

FINDINGS OF FACT: The complainant failed to provide sufficient evidence to identify the alleged officer. No other witnesses came forward.

SUMMARY OF ALLEGATION #8: The unidentified officer used unnecessary force at the station.

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

FINDINGS OF FACT: The complainant failed to provide sufficient evidence to identify the alleged officer. No other witnesses came forward.

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

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

FINDINGS OF FACT: The complainant said he was wrongfully arrested while performing his duties as a security officer for a nightclub. The officer denied the allegation. Two witnesses corroborated that the complainant's actions were excessive in the arrest of a patron outside the club. Other witnesses did not come forward. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to provide an interpreter.

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

FINDINGS OF FACT: The complainant said he asked the officer for an interpreter. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer released information to the Immigration authorities without justification.

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

FINDINGS OF FACT: This portion of the complaint will be referred to the San Francisco Sheriff's Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1 and 2: The officers failed to take a police report on September 20, 2007.

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

FINDINGS OF FACT: The officers said no report was taken because the parties declined making a Citizen Arrest of each other. The complainant was not at the scene at the time of the incident. The OCC was unable to reach the actual parties to the incident as well as the minor child as they had moved and no forwarding contact information was available. A definitive finding cannot be reached.

SUMMARY OF ALLEGATION #3 and 4: The officers failed to photograph injuries on September 20, 2007.

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

FINDINGS OF FACT: The officers said no photos were taken because there was no report of injuries by either party and none were visible. The complainant was not at the scene at the time of the incident. The OCC was unable to reach the actual parties to the incident as well as the minor child as they had moved and no forwarding contact information was available. A definitive finding cannot be reached.

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SUMMARY OF ALLEGATION #5: The officer made inappropriate comments on September 20, 2007.

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

FINDINGS OF FACT: The officers denied making the alleged comments. A witness officer denied hearing the named member make the alleged comments. The complainant was not at the scene at the time of the incident. The OCC was unable to reach the actual parties to the incident as well as the minor child as they had moved and no forwarding contact information was available. A definitive finding cannot be reached.

SUMMARY OF ALLEGATIONS #6 and 7: The officers entered the residence without cause on September 28, 2007.

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

FINDINGS OF FACT: The officers said they were admitted by consent of one of the residents. The complainant was not at the scene at the time of the incident. The OCC was unable to reach the actual parties to the incident as well as the minor child as they had moved and no forwarding contact information was available. A definitive finding cannot be reached.

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SUMMARY OF ALLEGATIONS #8 and 9: The officers conducted themselves in an inappropriate manner on September 28, 2007.

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

FINDINGS OF FACT: The officers denied conducting themselves in the alleged manner. The complainant was not at the scene at the time of the incident and the officer who spoke to the complainant over the phone denied making the alleged comment. The OCC was unable to reach the witness parties to the incident as well as the minor child as they had moved and no forwarding contact information was available. A definitive finding cannot be reached.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers entered and detained the complainant inside his room. The officers entered after a consensual contact at the door where they said they smelled marijuana inside the room thereby creating an exigency for them to enter and detain the complainant. The complainant was a card carrying medicinal marijuana user, therefore, the officers may have in fact smelled marijuana inside his room, however the complainant's lawful use of marijuana could vitiate the probable cause exigency to enter and detain. Under the facts of this incident a definitive finding cannot be reached.

SUMMARY OF ALLEGATIONS 3 and 4: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The officers knocked and announced and the complainant voluntarily opened the door. When the officers smelled marijuana inside the room an exigency was created that allowed them to enter without consent or a warrant. The complainant was a card carrying medicinal marijuana user, therefore, the officers may have in fact smelled marijuana inside his room, however, the complainant's lawful use of marijuana vitiate the probable cause exigency to enter. Under the facts of this incident a definitive finding cannot be reached.

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SUMMARY OF ALLEGATION 5: The officer searched the complainant's residence without cause.

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

FINDINGS OF FACT: There is an unresolved finding as to whether the officers were lawfully inside the complainant's room. Therefore any act committed therein by the officers is also in question. Under the facts of this incident a definitive finding cannot be reached.

SUMMARY OF ALLEGATION 6: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The officer denied the allegation. A witness officer denied the named member committed the alleged act. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION 7: The officer made inappropriate comments.

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

FINDINGS OF FACT: The officer denied the allegation. A witness officer denied hearing the named member make the alleged comment. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF OCC ADDED ALLEGATIONS 1 and 2: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The officers did not Mirandize the complainant during the detention and technically, even though Department Bulletin 6-095 applies to this incident the language is “permissive” and reads, “When an officer detains a suspect while investigating the potential medical use of marijuana, the officer should Mirandize the suspect prior to the questioning.” The word “Should” is defined by DGO 3.02 as “Permissive, but recommended.” This definition leaves room for officer discretion therefore the conduct of the officers was proper.

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SUMMARY OF ALLEGATION #1-2: The officers made intimidating and threatening comments.

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

FINDINGS OF FACT: The officers denied the allegation. One officer said the complainant became furious and belligerent when she advised the complainant she could arrest him for a warrant that he had from an out-of-county violation. Both officers denied asking the complainant if he lived in his car. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating the probable cause for the stop was a cracked windshield. The officer said she cited the complainant for the cracked windshield. The witness officer corroborated the named officer's account of the reason for the detention. The complainant stated he had a warrant from another county and there was a crack in his windshield. 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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SUMMARY OF ALLEGATION #4: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The named officer denied the allegation, stating she did not place the complainant under arrest, nor was the complainant handcuffed or placed in the back of the patrol car. The officer stated she searched the complainant's vehicle for weapons after the complainant consented to the search. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officers denied the allegation, stating the complainant gave them consent to search the vehicle. One of the officers said she had to tell the complainant several times to keep his hands in plain view and to stop digging around his vehicle. The officer said the complainant was in a frantic state and his vehicle was littered with various papers, clothing and miscellaneous items. The officer said she feared for their safety and asked the complainant if they could search his vehicle for their safety. The officer said the complainant consented to the vehicle search. The assisting officer corroborated that the complainant consented to the search of his vehicle.

The complainant said he might have given permission for the officer to search his vehicle though, under protest. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not use threatening body language, or call the complainant names during his contact with the complainant. The officer said he grabbed his baton from the interior of his patrol car and raised his baton high enough to place it into the baton ring. The named officer said he advised the teenagers at the bus stop of safety issues in regards to staying on the sidewalk and not disrupting the flow of traffic.

The assisting officer corroborated the named officer's account of warning and advising the teenagers to remain on the sidewalk for safety reasons. The assisting officer stated at no time did the named officer have his baton out in a threatening manner. The assisting officer did not observe the interaction between the named officer and the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officers denied the allegation, stating they provided their names and star numbers to the complainant upon request. One of the officers said he gave his name and star number to the complainant verbally and it was displayed openly on his police shirt.

The complainant said though the officers did not verbalize their name and star numbers, she was able to visually see the names of both officers and one of the officer's badge numbers. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The named officer said while monitoring the actions of irate juveniles, he saw a hand quickly come towards the right side of his chest to within 2-3 inches. The officer said he feared one of the juveniles was attempting to strike him so he reached his right hand out to protect himself and inadvertently grabbed a piece of paper from someone's hand. The officer stated he was startled to find the complainant raising her voice asking for his name and star number. The named officer returned the piece of paper to the complainant and advised her of the safety issues of onlookers. The named officer stated he advised the complainant that onlookers could observe the incidents, but should not interfere or surprise an officer during the incident.

The assisting officer stated he did not observe the interaction between the named officer and the complainant. Though the assisting officer stated the complainant walked up within a foot of him, as well, staring at his right chest area with paper in her hand. The assisting officer said he requested the complainant to step back for officer safety reasons. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer wrote an incomplete Incident Report.

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

FINDINGS OF FACT: The Incident Report covered the problem the complainant brought to the attention of the officer, and documented the officer's investigation of this complaint. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer investigated the complainant's issue and documented this in his Incident Report. The officer is not responsible for predicting behavior, or for controlling behavior, of the person that the complainant complained about. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer misused his police authority [adding residence information to an Incident Report].

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

FINDINGS OF FACT: The Incident Report needs to be filled in as much as possible. The complainant did not say that the officer added information to the report when she told him not to.

SUMMARY OF ALLEGATION #4: The officer failed to maintain knowledge of the law.

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

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

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SUMMARY OF ALLEGATION #5: The officer failed to write a citation.

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

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

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

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

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

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SUMMARY OF ALLEGATION #1: The officer detained/arrested the complainant without justification or cause.

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

FINDINGS OF FACT: There is inconsistency as to the location of the complainant's detention and whether or not he exhibited signs of intoxication. The complainant admitted to having consumed alcohol but denied being drunk. The Event History Detail documents a reported threat by the complainant. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

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:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant filed a civil claim with the City of San Francisco. The complainant failed to respond to contact attempts made by this agency.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officer used unnecessary force during his detention. One witness said the officer slammed the complainant to the ground and put his foot on the complainant's back. The officer denied the allegation. The officer stated that he used physical control in detaining the complainant because the complainant repeatedly failed to comply with his instructions. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant alleged the officer placed him in tight handcuffs that it bruised his wrists. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3-6: The officers engaged in inappropriate behavior and/or comments to the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officers made inappropriate behavior and/or comments during the contact. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer detained the complainant at gunpoint without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer detained him at gunpoint without cause. The evidence shows that while responding to the scene of the incident, the officer was advised about a gun possibly located in the front seat of a vehicle where the complainant and his companions were standing by. The evidence proved that the act, which provided the basis for the allegation occurred. However, such act was justified, lawful and proper.

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SUMMARY OF ALLEGATION #8: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer issued him a citation without cause. The evidence shows that the officer issued the complainant a citation for resisting and delaying arrest. One witness said the complainant did not resist. One of the officers that had responded to the scene stated that the complainant was yelling and kept moving around. Department records show that the complainant was argumentative and verbally abusive during the contact. No other witness came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9-10: The officers failed to comply with DGO 2.04.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to comply with the provisions of Department General Order 2.04. One witness said the complainant emphasized his interest in filing a complaint but the witness could not recall which specific officer the complainant addressed. The officers denied the allegation. The officers stated that the complainant did not tell them that he wanted to file a complaint. No other witness came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant denied that her license was suspended. The Event History Detail documents that the complainant's driver's license was suspended with the provision that she could drive her employers vehicle in the course of employment. At the time of the incident the complainant was in her personal vehicle, with a friend not in the course of work. DGO 9.06 requires that officers tow a vehicle when the driver's license is suspended. The conduct of the officer was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer issued the complainant a citation without justification.

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

FINDINGS OF FACT: The complainant admitted that she did not have her seatbelt over her shoulder but under her shoulder due to a pre-existing shoulder injury. The complainant did not have any medical documentation of her condition to authorize modified use of her seatbelt. The officers said the complainant did not have her seatbelt on in any form. The citation was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant found it inappropriate that the officer had her exit the car and sit on the curb. The officer did so while he issued her a citation and prepared to tow her car including conducting a tow inventory search of the contents of the vehicle. The conduct of the officer was justified, lawful and proper.

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

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

FINDINGS OF FACT: The vehicle was being towed for cause and it is San Francisco Police Department Policy to conduct an inventory of the contents of the vehicle pursuant to a tow. The conduct of the officer was justified, lawful and proper.

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant's attorney stated his client does not wish to pursue a complaint against the officer(s) as a result of the incident. The complainant's attorney 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 used unnecessary force.

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

FINDINGS OF FACT: The complainant's attorney stated his client did not wish to pursue an investigation with OCC regarding this incident. The complainant's attorney requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 05/24/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Neglect of Duty for intentional destruction of property.

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

FINDINGS OF FACT: The complaint was begun as a result of a civil claim filed with the Controller's office and forwarded to OCC. The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/21/07 **DATE OF COMPLETION:** 05/19/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT The complainant alleged the officer failed to take required action for failure to write an incident report. The evidence shows that the officer duly prepared a report. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/17/07 **DATE OF COMPLETION:** 05/06/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer yelled at him and made him nervous during the traffic stop. The officer denied the allegation. The witness, complainant's brother, did not respond to requests for an interview. There were no other witnesses.

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 complainant stated that he had paid his child support and was up to date and the officer refused to take his proof into consideration. The officer stated the DMV record indicated that complainant's license was suspended as of November 16, 2006, no insurance, and registration had just expired. The officer submitted a copy as evidence. The officer conducted this tow per CVC 14601.1 (a) and department regulations.

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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 the officers walked up to him, shoved him, and asked him about having drugs. The complainant said the officers said to each other that they would just say that the complainant looked like the guy in the picture. The complainant said the officers showed him a picture of a white male in a bicycle with long hair. The officers stated they detained the complainant because he resembled the serial bank robber in a photo they had and wanted to talk to the complainant. The officers stated that the complainants demeanor of looking east to west and grabbing on to his bag made the officers suspect that the complainant was looking for an escape route and that he could possibly be concealing a weapon in his bag so they decided to detain him. The officer provided a copy of one photo. At the time of this incident, the complainant had his bicycle with him. The officers had reasonable suspicion to detain the complainant.

SUMMARY OF ALLEGATIONS # 3-4: The officers used force against the complainant.

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

FINDINGS OF FACT: The complainant said the officers grabbed him and shoved him against a wall. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officers used inappropriate language.

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

FINDINGS OF FACT: The complainant said the officer told him to “Shut-up”. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer searched the complainant’s bag without cause.

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

FINDINGS OF FACT: The complainant said the officers grabbed his bag and went through his bag. The officers stated they believed the complainant could have a weapon because when asked to put his bag down he turned his back on them and grabbed the bag closer to him so they removed the bag for officer safety believing it contained a weapon but instead found packages of marijuana and cash. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 8-9: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant said he was wrongfully arrested because he is authorized as a medical marijuana provider. The complainant said he did not have any documentation with him and said that he has the documents on file at the Hall of Justice. The officers stated that they could not take the complainant's word since he had no documentation, the marijuana was packaged for sale, he had a large amount of cash, the complainant's demeanor during the stop, and refusal to make a statement. The officer said they arrested the complainant due to the totality of the circumstances. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 10: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated he believes that the officer is harassing him by telling narcotic officers to arrest him because he prevailed in court. The officer denied the allegation and said he has arrested the complainant once. There are no other witnesses. There is no other evidence to prove or disprove the allegation.

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

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

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

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

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

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

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SUMMARY OF ALLEGATIONS #1-4: The officers searched the complainant's residence without justification.

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

FINDINGS OF FACT The complainant alleges that the officer searched his room without justification. The evidence shows that the officers conducted a search pursuant to DGO 6.09 that allows them to confiscate firearm or other deadly weapon discovered at a domestic violence scene. In addition, the complainant's girlfriend, who told the officers that she been residing with the complainant, gave consent to the officers for them to search the complainant's room. 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 #5: The officer(s) intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant alleges that the officer(s) intentionally damaged his property during the search. The officers questioned regarding this allegation denied damaging the complainant's property. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6-7: The officers arrested the complainant without justification.

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

FINDINGS OF FACT The complainant alleges that the officers arrested him without justification. The evidence shows that the officers, after conducting their investigation, found probable cause that the complainant committed an assault aggravated with a knife during a domestic violence 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 #8: The officer seized the complainant's property without justification.

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

FINDINGS OF FACT: The complainant alleges that the officer seized three of his knives without justification. The evidence shows the officer seized the knives within the immediate area where the domestic violence had occurred pursuant to DGO 6.09, which allow the officer to confiscate any firearm or deadly weapon discovered at a domestic violence scene. The evidence proved that the act, which provided the basis for the allegation occurred. However, such act was justified, lawful and proper.

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SUMMARY OF ALLEGATION #9: The officer(s) seized the complainant's property without justification.

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

FINDINGS OF FACT The complainant alleges that his watch, two Ipods and a black bag went missing after the incident. The complainant, however, could not tell whether the items were lost at the time when the officer(s) were present in his house. The officers questioned regarding this allegation denied seizing the complainant's properties. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer failed to process property.

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

FINDINGS OF FACT: The complainant alleges that the officer failed to process property. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

Commanding Officer
Management Control Division
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #2:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated that this contact was not a detention but a consensual encounter. The man arrested with the complainant does not have an address, according to Post Office when Office of Citizen Complaints attempted to contact him by mail. Therefore, no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The complainant was searched without cause.

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

FINDINGS OF FACT: The officers stated that the search was done pursuant to a probation search condition that the complainant had and told them about and they corroborated by radio with the San Francisco Police Department computer system. The computer assisted dispatch record shows that the complainant had a search condition as part of probation on the date of this incident, contrary to what he repeatedly told the Office of Citizen Complaints during his interview. The complainant stated in his Office of Citizen Complaints interview that as he was being patted down, the officer asked him to identify the crack pipe he had in his pocket. He then stated to Office of Citizen Complaints that he told the officer to go into his pocket and see what was in it for himself. The man arrested with the complainant does not have an address, according to Post Office when Office of Citizen Complaints attempted to contact him by mail. Therefore, no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant admitted in his Office of Citizen Complaints interview that he possessed an illegal crack pipe.

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

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

FINDINGS OF FACT: The officer denied this allegation. The other officer stated he did not hear this. No other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied this allegation. The other officer stated he did not hear this. No other 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 complainant was arrested without cause.

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

FINDINGS OF FACT: The complainant admitted doing an act which provided probable cause to arrest. The party upon which he committed the act signed a private person's arrest form. The evidence proves that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: In his written complaint the complainant stated that the officer threatened to arrest him. However, during his O.C.C. interview the complainant refined his facts, saying that the officer told him by telephone call that he "could" be arrested if he broke the terms of the restraining order. This is informational, and not a threat. The officer confirmed this assessment of the conversation, stating that she told the complainant that he was in violation of the EPO and would be arrested if he violated it again. The evidence proves that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant added in his Office of Citizen Complaints interview that the police should have walked in front of him in case he lost his footing while handcuffed, so that he could fall on an officer and not on the ground. The complainant did not complain that he was not helped when he lost his balance, and indeed, he did not complain that he lost his balance while handcuffed. There is no such procedure, nor is it advisable that such a procedure be added to the General Orders. The evidence proves 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: 01/08/08 **DATE OF COMPLETION:** 05/28/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer exhibited a rude attitude and an inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the officer was rude, disrespectful, and had a negative attitude. The complainant felt that the officer treated him like a criminal. The officer denied the allegation. The officer stated he was professional and courteous to the complainant. The witness did not provide a statement. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said he should not have been issued a citation for not having a front vehicle license plate on his vehicle. The complainant felt his car plate was not needed to be attached to his car's front bumper area due to a recent traffic collision. The complainant admitted he had his car plate in the trunk of his car. The officer stated the complainant's front bumper area did not have an attached car plate. Per the Department Motor Vehicle (DMV) 5200(a) CVC which states that a vehicle shall have their vehicle license plates attached to the front and rear end area of the car. 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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DATE OF COMPLAINT: 01/09/08 **DATE OF COMPLETION:** 05/23/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **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: