

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/06 **DATE OF COMPLETION:** 07/31/06 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer made well-founded, preventive warnings to the complainant during a meeting held in the presence of parents and school officials regarding the complainant's sexual harassment of a minor. The officer's comments and behavior 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 used unnecessary force against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer shoved him onto the sidewalk and against his police car without cause. The officer denied the allegation. A witness saw no force used but did not see the complete interaction between the officer and the complainant. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers made inappropriate comments to him. The officers denied the allegation. A witness heard nothing inappropriate but did not hear all conversation between the officers and the complainant. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer threatened to arrest him, without cause. The officer denied the allegation. A witness did not hear a threat, but did not hear the entire conversation between the officer and the complainant. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that there was a plastic bag containing over seven thousand dollars attached to his ice cream cart during his arrest, and that he brought it to the attention of the officer in the police station. The officer and two other witnesses on scene denied there was any plastic bag attached to the handlebars of the ice cream cart. Office of Citizen Complaints attempts to interview several other witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation that the officer failed to account for additional money.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he watched the officers make obscene gestures at his girlfriend as she crossed a street. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he merely stepped off the curb and into the street in order to meet the officer, who was walking toward him. The officer stated that he cited the complainant for a pedestrian traffic violation because the complainant stepped off the curb into traffic. The officer stated he left his vehicle and crossed the street in order to search for possible discarded narcotics and not because he was trying to contact the complainant. Regardless of what caused him to step into the street, the complainant acknowledged that he did so. His action constituted a violation of the vehicle code section for which he was cited, and the citation given him was therefore proper and within policy.

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

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

FINDINGS OF FACT: The complainant stated that the officer approached him and conducted an unwarranted search. The officer stated that he cited the complainant when he violated a pedestrian traffic law, and that he conducted a cursory weapons search of the complainant for officer safety in conjunction with the citation. The action taken by the officer was proper and within policy under the circumstances.

SUMMARY OF ALLEGATION #5-6: The officers selectively enforced the law.

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

FINDINGS OF FACT: The complainant stated that he believed the officers stopped and cited him because he is African-American. The officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-2: The officers used excessive force during the contact with the complainant.

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

FINDINGS OF FACT: The complainant states in his citizen complaint that he was struck in the face and head by the named officers. The officers denied the allegation. The complainant did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to write an Incident Report.

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

FINDINGS OF FACT: An Incident Report was prepared documenting this arrest.

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SUMMARY OF ODD ADDED ALLEGATION #2: The officer failed to log the use of force.

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

FINDINGS OF FACT: There is no entry on the use of force log. The complainant stated the officers used force on him. The officers denied using force. The complainant was taken to SFGH a day after the incident for complaint of pain. The complainant has failed to respond to OCC request to interview. The complainant failed to provide a medical release to obtain records to determine if injuries alleged correspond to what the complainant has alleged. Therefore there is insufficient evidence to determine if an entry on the use of force log was necessary.

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer pat searched him during a traffic stop after he engaged the officers in an argument. The officer could not recall the incident while his partner stated that the officer pat searched the complainant for officer safety after the complainant raised his voice and acted aggressively toward the officer. A witness on scene could not verify or deny the allegation, but revealed additional statements and confirmed the complainant's behavior toward the officers. The officer's pat search was lawful and proper under the circumstances.

SUMMARY OF ALLEGATION #2-3: The officers used threatening and inappropriate comments and behavior.

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

FINDINGS OF FACT: The complainant said the officers escalating behavior during the traffic stop was unwarranted. One officer denied the allegation while the other could not recall the incident. A witness on scene said the officers were rude, but revealed additional statements which confirmed the complainant's behavior toward the officers. There is insufficient evidence to either prove or disprove the allegation.

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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 requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

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

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

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

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

SUMMARY OF ALLEGATION #4: The officer failed to provide his star number when requested.

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

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

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

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

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

SUMMARY OF ALLEGATION #6: The officer gave the complainant an incorrect star number.

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

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

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

CATEGORY OF CONDUCT: ND **FINDING:** NF **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 ALLEGATIONS #1 and #2: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers stated the victim identified the complainant as his assailant. A Cold Show Admonishment documents that another witness was unable to positively identify the complainant. The victim was unavailable for interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers denied using the alleged unnecessary force against the complainant. The complainant admittedly struggled during the detention/arrest. A witness's account of the officers' efforts to control the complainant did not describe excessive force. There is insufficient evidence to establish the level of force necessary to control the complainant.

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

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

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

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

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

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

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

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

FINDINGS OF FACT: There were conflicting statements as to the availability of witnesses at the scene. Back-up officers indicated their belief that the investigation was conducted in a reasonable manner. There were no other identified witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

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

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SUMMARY OF ALLEGATIONS #1-3: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged unnecessary force against a bystander. The co-complainant alleged unnecessary force against a detainee. The named and two witness officers denied the allegations, stating that they used force necessary to subdue a violent combatant and a bystander interfering with a detention. One witness officer retired and was not available. There was no consensus among two witnesses, the complainant and the co-complainant about the force used, the necessity for the force and the facts leading to the uses of force. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #4: The officer displayed a rude demeanor.

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

FINDINGS OF FACT: The named and two witness officers denied the allegation. One witness officer retired and was not available. There was no consensus among two witnesses, the complainant and the co-complainant about what the officer said or the demeanor displayed. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #5, 6: The officers failed to properly investigate.

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

FINDINGS OF FACT: The co-complainant alleged she told the officers of an attack on her boyfriend and the officers ignored her. The named and one witness officers denied the allegations, stating that they did not speak to the co-complainant or that she did not raise allegations of an attack. One witness officer retired and was unavailable. Two witnesses said they did not hear what was said. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #7, 8: The officers conducted an arrest without cause.

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

FINDINGS OF FACT: The named officers denied the allegation. Department records indicate the arrest about which the co-complainant complained did not take place. One witness stated that he was not arrested. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATIONS #9-11: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The co-complainant alleged police did not provide medical attention to her boyfriend. Department records indicated that paramedics responded to the arrest scene and that the co-complainant's boyfriend was transported to a hospital. The co-complainant's boyfriend stated that he refused treatment offered by paramedics at the scene and was taken to a hospital. The evidence proved that the actions that provided the basis of the complaint occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force while taking the complainant into custody.

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

FINDINGS OF FACT: One of the arresting officers stated that he tackled the complainant while the complainant was trying to flee by scaling a fence. This officer and the two other officers at the scene stated that no force or physical controls were employed to take the complainant into custody. The three officers stated that the complainant had no visible injuries and did not request medical attention. The complainant failed to respond to repeated contact attempts. There were no available witnesses. Without additional information from the complainant, a proper finding could not be made.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: UA **FINDING:** 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 acted inappropriately.

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he had a consensual encounter with the complainant. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The officer stated that the complainant consented to a search requested by the officer. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3: The officer made sexually derogatory comments and acted inappropriately.

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

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

SUMMARY OF ALLEGATION #4-5: The officers failed to take an OCC complaint.

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

FINDINGS OF FACT: The officer denied the allegation stating the complainant never asked the officer to take a complaint. The officer stated that the complainant requested the officer's name and star number and indicated that he would go to OCC the following day. The unknown officer was not identified. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-7: The officer(s) made threatening and inappropriate comments.

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

FINDINGS OF FACT: The officer denied the allegation. No witnesses came forward during the investigation. The unknown officer was not identified. 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 #1-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers stated they detained the complainant for making an unsafe lane change and for having an outstanding warrant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: Both officers stated they searched the complainant's vehicle when they learned that the complainant had an outstanding warrant and that the complainant informed them that she had marijuana in her pocket. One of those officers further stated that the complainant gave consent for the search. Two other officers at the scene stated the complainant was in possession of marijuana and had an outstanding warrant. The complainant stated she was a medical caregiver and legally purchased the marijuana for a friend. The complainant provided proof that the warrant had been cleared, but it was unclear when the warrant was cleared. CLETS files showed that the warrant was still active at the time the complainant was detained. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer stated he handcuffed the complainant when he learned that she had an outstanding warrant and had an eighth of an ounce of marijuana in her pocket. The complainant stated she was a medical caregiver and legally purchased the marijuana for a friend. The complainant provided proof that the warrant had been cleared, but it was unclear when the warrant was cleared. CLETS files showed that the warrant was still active at the time of the complainant's detention. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #8: The officer failed to provide the complainant with a Certificate of Release.

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

FINDINGS OF FACT: The officer stated he issued the complainant a Certificate of Release and provided a copy of the Certificate of Release he issued to the complainant. The other officer at the scene stated that the complainant was issued a Certificate of Release.

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

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

FINDINGS OF FACT: The officer stated that he detained the complainant for failing to come to a complete stop at a posted stop sign and because the vehicle did not have proof of registration displayed. The complainant acknowledged that she had no proof of registration. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer stated he cited the complainant for failing to come to a complete stop at a posted stop sign and because the complainant had no proof of registration or insurance. The complainant acknowledged that she did not have proof of registration or insurance.

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

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

FINDINGS OF FACT: The complainant stated that she did not have proof of registration or insurance. Under California case law, the officer had authority to search the glove box for proof of registration or insurance. The officer's actions were proper.

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

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

FINDINGS OF FACT: The officer denied searching the complainant's sister. He stated that he asked the complainant's sister if she had any weapons and "visually checked her front and rear pockets for weapons and did not visually locate any." The complainant's sister failed to respond to contact attempts. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer yelled and acted inappropriately toward her during the traffic stop. The complainant stated the officer used harsh language. The complainant did not dispute the traffic citation issued by the officer. The officer stated he did not yell, use any harsh language, or any inappropriate behavior. There were no witnesses at the scene. 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 failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant alleged the officer seized his identification cards during his arrest; however, the officer failed to return the identification cards to the complainant or include them amongst the property seized from the complainant upon his arrest. The officer denied the allegation, as she did not recall requesting the complainant's identification cards or seizing them upon his arrest. The named officer's partner recalled one of the officers requesting the complainant's identification but that the complainant possessed none. 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: The officer detained the complainant without justification.

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

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

SUMMARY OF ALLEGATION #2: The officer towed a vehicle without justification.

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/06 **DATE OF COMPLETION:** 07/31/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers used unnecessary force.

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

FINDINGS OF FACT: The named officers denied the allegation and each officer stated that the complainant went limp and fell to the ground on her own. There were no objective signs that any force was used during this incident. Medical records showed no injuries to the complainant. Other officer's on-scene denied that any force was used. The evidence proved that the alleged act did not occur.

SUMMARY OF ALLEGATION #4-6: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers stated they detained the complainant based on a dispatch call regarding a person making threats. The officers stated they located the complainant and detained her to investigate the substance of the call. Department records revealed that a reporting party called dispatch regarding the complainant making threats. A computer query showed the complainant had a restraining order to stay away from a person at the address of the reporting party. All persons on scene stated the complainant was acting irrationally and that she was detained for a mental health problem. The evidence proved there was reasonable cause suspicion to detain the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/06 **DATE OF COMPLETION:** 07/31/06 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #7-8: The officers failed to loosen the complainant's handcuffs.

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

FINDINGS OF FACT: Both officers stated they checked and double locked the handcuffs that were placed on the complainant. Other officers verified that the complainant's handcuffs were checked. The evidence showed that the officers did check the handcuffs on the complainant and apply the handcuffs appropriately.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/06 **DATE OF COMPLETION:** 07/25/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he observed the officer use unnecessary force when arresting a suspect. The officer stated that in the arrest the complainant observed, the suspect resisted the officers lawful orders and pulled away from the officer. The officer then placed an academy trained and approved wristlock on the suspect in order to handcuff the suspect. The wristlock action is similar to what the complainant reported. The suspect stated he did pull away from the officer and thereby resisted the officer's attempts to restrain him. The suspect apologized for his actions. The evidence proved that the action alleged in the complaint did occur, however said action was justified, proper and lawful

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/06 **DATE OF COMPLETION:** 07/31/06 **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 failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/06 **DATE OF COMPLETION:** 07/13/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The named officer and his partner denied the allegation. The officers stated that the complainant was cited for failing to stop at a stop sign. The complainant denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/05 **DATE OF COMPLETION:** 07/06/06 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force to arrest him. The complainant alleged that the officer used unnecessary force by hitting his bicycle while driving a marked patrol car. He alleged that the patrol car hit him as he rode his bicycle, admittedly in an effort to elude capture. The OCC interviewed several eyewitnesses to the incident. The witnesses stated that they saw the complainant pedaling a bicycle very quickly down the wrong way of a one-way street. The complainant was pursued by a marked patrol car, with its lights and siren activated. The same witnesses stated that as the complainant neared an alley on the north side of the block, the complainant began to negotiate a southbound right turn into this alley, with the patrol car following close by or paralleling the bicycle. The eyewitness accounts differed as to what occurred next. Some accounts stated that the complainant jumped off his bicycle. Others stated that he fell off his bicycle. Another witness interviewed by the SFPD stated that the named officer's partner, who was a passenger in the car, swung open his door while the vehicle was still moving, knocking him off his bicycle. This same witness, when interviewed by the OCC, was unsure of this occurrence. The named officer denied the allegation. He stated that he drove behind the complainant's bicycle and saw the complainant lose control of his bicycle, hitting the curb in a failed attempt to turn his bicycle into the alley. The complainant said he had spray-painted his bicycle yellow on the day of the incident. The OCC's initial review of the crime scene on the day of the incident did not yield any observable yellow paint transfer onto the body of the named officer's patrol car. However, the OCC examined SFPD photographs it later received via the discovery process. There were yellow marks on the right front tire of the patrol car. When the OCC produced these photos to the named officer, he was not able to explain the cause of the yellow markings on the right front tire. There was no indication in the records surrendered to OCC that the Crime Scene Investigation Division conducted any forensic analysis with regard to the markings on the right front tire of the named officer's patrol car, even though they were noticeable enough for the Crime Scene Investigator to photograph them multiple times. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/05 **DATE OF COMPLETION:** 07/06/06 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force by shooting the complainant with his service weapon. The complainant stated that he never sought to harm any of the officers at the scene. The OCC conducted a separate investigation and found evidence to the contrary. In his OCC interview, the complainant admitted fleeing after officers sought to apprehend him from the outset. He acknowledged that he was concealing a knife, and noted that one of the officers kept asking for the location of his knife throughout the incident. Two of the witnesses interviewed by OCC stated that they saw the entire incident unfold from where officers chased the complainant near a parking garage across the street directly towards them. They said they stood as close as five feet away from the complainant in the restaurant where they were dining at the time. These witnesses saw the complainant draw a large steel knife and hold it above his head in his right hand. The witnesses saw the complainant make downward and crosswise stabbing motions and take aggressive steps at the three officers who sought to take him into custody. One of the witnesses described the complainant in “attack mode,” turning his body around, holding the knife in a “firm grip.” The witnesses said that different officers loudly repeated commands to the complainant to drop his knife at least three times, but the complainant failed to comply. They also stated that they had no doubt that the complainant could hear and understand the orders issued by the officers.

The OCC reviewed a forensically enhanced copy of the Emergency Communications Department (ECD) audiotape of the incident. The enhanced version revealed that one of the officers who responded the incident warned his fellow officers that the complainant had a knife in his possession. The forensic enhancement revealed audio evidence that the officers ordered the complainant to drop the knife.

During his OCC interview, the named officer stated that he initially received information from ECD of a physical description of the complainant, whereby the complainant was described as riding a bicycle and armed with a knife. The named officer stated that he and his partner first saw the complainant as he rode his bicycle against the traffic on a one-way street while being pursued by an officer on foot. The officer stated that he and his officer pursued the complainant as he pedaled his bicycle the wrong way down another one-way street until he attempted to negotiate a turn into another one-way alley, going the wrong way. The complainant’s bicycle ride ended suddenly when he fell off of his bicycle and ran across the street. The officer stated that he pursued the complainant on foot across the street, as did his partner. The named officer stated that he, his partner and the third officer who had conducted the foot pursuit of the complainant, surrounded the complainant as he stood on the sidewalk in front of a crowded restaurant.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/04/05 **DATE OF COMPLETION:** 07/06/06 **PAGE #3 of 3**

FINDINGS OF FACT (cont.): The named officer stated that he had his baton out, as did one other officer, as he issued continued verbal commands for the complainant to drop the knife and get on the ground. The complainant continued to make advances towards each officer, advancing and thrusting with his knife within 6-8 feet on the officers and doing so at least twice on each officer, so neither officer could utilize their baton. One of the officers had already called for a unit bearing a less than lethal extended range impact weapon, commonly known as a bean bag. The named officer stated that the situation precipitated by the complainant quickly became too dangerous for less than lethal as the complainant quickly advanced on the officers with a large knife, as well as the door of a crowded restaurant. The named officer expressed concern for the safety of the two other responding officers, as well as the safety of the public inside the restaurant, noting that the complainant was within feet of the restaurant door and could enter, and possibly take a hostage.

The officer stated that the complainant advanced on, with the knife above his head, and thrust the knife a last time toward his partner, who was downhill and east of the complainant by 8-10 feet. The officer stated that his only option was to fire on the complainant. He stated that he repeated his order to the complainant to drop his knife and get on the floor. The complainant failed to comply. The officer stated that he did not aim for the complainant's torso, because the complainant stood directly in front of the crowded restaurant. The officer stated that he was concerned that any shot he fired from the particular service weapon he carried would pass through the complainant's body and into the window of the restaurant. As a result, the officer stated he fired a single shot below the complainant's waist. The officer's shot hit the complainant in the right femur, passed through, and hit the complainant in the left leg. The complainant immediately fell to the ground, remained conscious, and failed to release his grip on the knife. The officer stated that immediately after the complainant fell from the gunshot, he was still issuing orders to the complainant to release the knife. The officer kicked the knife out of the complainant's hand due to the complainant's failure to comply.

Based on a combination of forensic evidence, eyewitness statements and officer statements, the evidence proved that the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/06 **DATE OF COMPLETION:** 07/31/06 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the officer spelled the name of one of the parties incorrectly in the incident report taken from the complainant at the station counter. He stated that the incorrect spelling would have caused inaccurate information to result from any computer check done by the officer. The officer stated that he used the spelling given him by the complainant both in his computer inquiry and his report. No witnesses were located. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/06 **DATE OF COMPLETION:** 07/26/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she drove around a patrol car as well as flares blocking traffic. When she came to a second patrol car, she asked the officer if she could take a left turn, which would require her to drive over double yellow lines. She stated that the officer “rudely” told her she would be cited if she crossed a double yellow line. The officer stated that his voice was raised due to emergency vehicles in the area due to a blown transformer but calmly told her that she could not cross over double yellow lines. The officer stated that the complainant then cursed at him. There were no witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant stated that she drove around a patrol car and flares blocking traffic. When she came to a second patrol car, she asked the officer if she could take a left turn, which would require her to drive over double yellow lines. She stated that the officer told her she would be cited if she crossed a double yellow line. The officer stated the complainant asked if she could make an unsafe turn over an island and double yellow lines, both violations of the California Vehicle Code. He stated that the complainant had already violated California Vehicle Code §2818 by driving over a flare pattern. He stated that he advised the complainant that she would be cited if she made the illegal left turn. The officer’s actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/22/06 **DATE OF COMPLETION:** 07/26/06 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officers should have been standing outside their patrol cars directing traffic at an intersection where the traffic lights were not operating. The officers stated that they were the first officers to respond to the area, where a transformer had blown up. They stated that Fire Department personnel were one block south. They stated that they positioned their patrol car to block two lanes of traffic. When it was safe to do so, they placed flares in the intersection. When backup arrived and a plan was coordinated, the officers exited their vehicle and directed traffic onto the freeway. Two officers stationed a block away stated that the officers were directing traffic. CAD communication confirmed this information. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS#:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/06 **DATE OF COMPLETION:** 07/26/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The officer and his partner stated that no force was used to detain the complainant, the complainant had no visible injuries, did not complain of pain, and did not request medical attention. Photos of the complainant were taken at the station at the time he made his complaint. The photos show a minor scratch above the complainant's right eyebrow and a barely visible bruise on his right hand. The complainant did not describe how he received these injuries. The complainant failed to respond to contact attempts. There were no identified witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to return the complainant's property.

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

FINDINGS OF FACT: The officer who took the complainant's OCC complaint found the complainant's wallet in the back seat of the officers' patrol car. It was returned to the complainant. The officers stated they were not aware that the complainant had left his wallet inside their patrol car. The complainant failed to respond to contact attempts. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/26/06 **DATE OF COMPLETION:** 07/20/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness could not verify or deny the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/06 **DATE OF COMPLETION:** 07/24/06 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: 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 arrested the complainant without cause.

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 17, 2006.

SUMMARY OF ALLEGATION #2: The officer failed to provide name and star identification upon request.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 17, 2006.

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DATE OF COMPLAINT: 06/05/06 **DATE OF COMPLETION:** 07/20/06 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1-2: The officers exhibited inappropriate behavior

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

FINDINGS OF FACT: The complainant stated the officers were discourteous and disrespectful to her while questioning her regarding her son. The officers denied the allegation, stating they were polite and professional throughout their contact with the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** NF **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
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DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 07/20/06 **PAGE# 1 of 4**

SUMMARY OF ALLEGATION #1: The officer failed to take required action per Department General Order 6.09.

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

FINDINGS OF FACT: The named officer said he and his partner were responsible for the call. The named officer denied the allegation, stating that he investigated the complaint, and questioned the complainant about the allegations she reported to dispatchers. The named officer said further that the complainant retracted her allegation, that there was no independent evidence of a crime, and that the complainant did not ask for a report or an arrest. Two witness officers said the complainant did not request or indicate she wished for her ex-husband to be arrested. One witness officer is no longer with the Department. One witness at the scene said he was inside, heard nothing of the complainant's conversation with officers. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to take required action per Department General Order 6.09.

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

INDINGS OF FACT: The named officer resigned. The named officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 07/20/06 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegation. One witness officer is no longer with the Department. Another witness stated that he was inside a house and did not hear what was said. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer made an inaccurate CAD report.

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

FINDINGS OF FACT: The named officer is no longer available or subject to department discipline.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 07/20/06 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5-7: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officers, by refusing to drive her home, forced her to walk through a bad neighborhood. Two named officers denied the allegations, saying they offered to call the complainant a cab, and that the complainant walked away. Another named officer denied the allegation, saying that the complainant told the officers she was going to take a bus home. Two witness officers are no longer with the Department. One witness at the scene said he did not hear what was said. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #8: The officer exhibited inappropriate behavior.

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

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

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DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 07/20/06 **PAGE#** 4 **of** 4

SUMMARY OF ALLEGATION #9: The officer failed to accept a citizen's complaint.

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

FINDINGS OF FACT: The named officer acknowledged taking a phone call from the complainant, but denied the allegation. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/06 **DATE OF COMPLETION:** 07/17/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 13, 2006.

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement and/or retaliatory action.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 13, 2006.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/06 **DATE OF COMPLETION:** 07/13/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/23/06 **DATE OF COMPLETION:** 07/12/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a sworn member of the Department. The complaint was referred to the Department of Parking and Traffic.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/06 **DATE OF COMPLETION:** 07/26/06 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Management Control Division, Room 575
850 Bryant Street
San Francisco, CA 94103-4603

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/06 **DATE OF COMPLETION:** 07/10/06 **PAGE# 1 of 1**

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

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

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

Mayor's Office
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/06 **DATE OF COMPLETION:** 07/10/06 **PAGE#** 1 of 1

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

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

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

BART Police Department
Attn: Sergeant Donald Miller
Internal Affairs
800 Madison Street
Oakland, CA 94604

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/06 **DATE OF COMPLETION:** 07/25/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #: 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: 07/06/06 **DATE OF COMPLETION:** 07/10/06 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer was involved in inappropriate behavior.

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

FINDINGS OF FACT: The complainant was unable to provide sufficient information to investigate the complaint. The complainant failed to provide sufficient information regarding the time, date, and place of the alleged contact or sufficient information to identify the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant did not respond to OCC attempts to obtain necessary and essential information and releases to further the investigation.

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

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

FINDINGS OF FACT: The complainant did not respond to OCC attempts to obtain necessary and essential information and releases to further the investigation.

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SUMMARY OF ALLEGATION #3-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant did not respond to OCC attempts to obtain necessary and essential information and releases to further the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officer behaved inappropriately and made rude comments.

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

FINDINGS OF FACT: The complainant stated the officer yelled at him, tried to prevent him from leaving the scene, and threw his star at the complainant. The officer and the witness officer denied the allegation. The witnesses did not see or hear the alleged behavior. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer threatened to tow the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated the officer threatened to tow the complainant's vehicle. The officer and the witness officer denied the allegation. The witnesses did not hear the alleged threat. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer detained him at the scene by preventing him from closing his car door. The complainant admitted he double-parked his unattended vehicle in the street in violation of CA Vehicle Code 22500(H) Double Parking on the Roadway. The witnesses confirmed the complainant's car was double-parked. 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 officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated he returned to the citation location after the officers left the scene. The complainant stated witnesses he knew from the neighborhood told him they heard a racial comment made by the officer to his partner at the scene. The officer stated he did not make any such racial comment to his partner and to others at the scene. The witnesses stated they could not recall exactly what was said between the officers. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer used profanity toward the complainant.

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

FINDINGS OF FACT: The complainant stated the officer used profanity at the scene. The complainant stated he was upset at the officer. The officer stated he did not use any profanity at the scene. The witnesses stated the complainant was angry and was in verbal argument with the officer, but were not clear if the officer used profanity. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 & #2: The officers acted and spoke inappropriately.

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

FINDINGS OF FACT: The complainant failed to provide requested evidence, nor were witnesses identified by the complainant. The officers said they did not recall the incident. The complainant's allegations were not corroborated by the alleged victim. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: During his interview the complainant's son admitted committing an illegal act. 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 #5 & #6: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant's son did not corroborate the allegation of unnecessary force used during the arrest. 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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SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction.

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

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

San Francisco Municipal Transportation Agency
Transit Police & Security Department
Attn: Mr. Thomas Tom
875 Stevenson #204
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: 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:

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

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:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction. This complaint has been faxed over to the San Francisco Department of Parking and Traffic at 415-701-4737.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been faxed over to the San Francisco Department of Parking and Traffic at 415-701-4737.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-3: The officer used derogatory, profane and inappropriate comments.

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

FINDINGS OF FACT: The named officers denied the allegation, stating they did not make any derogatory comments or use profanity towards the complainants. The witness officers denied hearing the alleged remarks during the incident. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The named officers denied the allegation, stating that they both offered medical assistance to the complainants, yet the complainants refused medical assistance. One witness officer stated he offered medical assistance to one of the complainants, and the complainant refused. Another witness officer said he heard the named officer offer medical assistance to the detainees and arrestees. The witness officer, likewise, heard one of the complainants respond that he did not need medical assistance. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer failed to read the Miranda Rights to the complainant.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that the complainant's Miranda Rights were not read to him because he was not legally required to do so. The named officer stated that the Miranda Rights are required only when two circumstances exist; upon questioning and in custody. The officer said that he did not question the complainant; therefore the Miranda Rights were not legally required.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he did not make a racially derogatory comment to the complainant. The witness officers corroborated they did not hear any officer make a racially derogatory remark to the complainant. A witness stated a blond haired male officer that detained and placed them on the wall made a racial a remark by calling them "animals." There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #8: The named officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officer denied the allegation. A preponderance of the evidence proved that the conduct alleged, did occur, and that using as a standard the applicable regulations and general orders of the Department, the officer did not have justification to handcuff the co-complainant.

SUMMARY OF ALLEGATION #9-10: The named officer and unknown officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he handcuffed the complainant after informing the complainant that he was under arrest. The named officer said he gave the complainant numerous orders, yet the complainant failed to obey his lawful order. The named officer stated the complainant was subsequently arrested and handcuffed. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

The unknown officer who handcuffed one of the complainants could not be identified. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he arrested the complainant for failing to obey his lawful order. The named officer stated the complainant was subsequently arrested and handcuffed. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The named arrested the complainant without cause.

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

FINDINGS OF FACT: The officer denied the allegation. A preponderance of the evidence proved that the conduct alleged, did occur, and that using as a standard the applicable regulations and general orders of the Department, the officer did not have justification to handcuff the co-complainant

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SUMMARY OF ALLEGATION #13-14: The named officer and an unknown officer detained the complainant and the co-complainant without justification.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he detained the complainant while in the process of dispersing a large crowd. The officer stated he gave the complainant a lawful order to stop from proceeding, due to a volatile police activity in the area. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

The unknown officer who detained the co-complainant could not be identified. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation

SUMMARY OF ALLEGATION #15: The named officer detained the complainant without justification.

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

FINDINGS OF FACT: The officer denied the allegation. A preponderance of the evidence proved that the conduct alleged, did occur, and that using as a standard the applicable regulations and general orders of the Department, the officer did not have justification to handcuff the co-complainant.

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SUMMARY OF ALLEGATION #16: The named officer issued an invalid order to the complainant.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he issued the complainant a lawful order to stop him from proceeding, due to a volatile police activity in the area. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #17: The unknown officer used unnecessary force on a complainant during the contact.

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

FINDINGS OF FACT: The unknown officer could not be identified. There were no witnesses. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #18: The named officer used unnecessary force on a complainant during the contact.

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

FINDINGS OF FACT: The officer denied the allegation. A preponderance of the evidence proved that the conduct alleged, did occur, and that using as a standard the applicable regulations and general orders of the Department, the officer did not have justification to handcuff the co-complainant.

SUMMARY OF ALLEGATION #19: The named officer used unnecessary force on a complainant during the contact.

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

FINDINGS OF FACT: The officer denied the allegation. A preponderance of the evidence proved that the conduct alleged, did occur, and that using as a standard the applicable regulations and general orders of the Department, the officer did not have justification to handcuff the co-complainant.

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

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

FINDINGS OF FACT: The complainant and his cousin admitted drinking hard liquor three hours prior to the detention. The named and identified officers in the detention were assisted by six other unidentified officers. All officers shown as responding as backup acknowledged that they observed the complainant refuse orders to move on and obey traffic laws to stay on the sidewalk. The evidence is inconclusive to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he was handcuffed after a baseless detention, but was unable to identify any officer. All officers shown to have arrived on scene, as back-up were questioned by OCC. The officers questioned denied handcuffing the complainant and could not identify the officers involved. There is insufficient evidence to either prove or disprove the allegation against a particular officer.

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SUMMARY OF ALLEGATION #4-5: The officers used excessive force during the detention.

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

FINDINGS OF FACT: The complainant and a witness stated that the complainant was first pushed twice by the officer and then taken down from behind and detained by six other unknown officers. The complainant alleged that the use of excessive force to place his arms behind his back when he offered no resistance. The officers questioned denied the use of excessive force was observed and denied any involvement in the use of force to place the complainant into custody. No civilian or officer present was able to identify any officer involved in placing the complainant into custody. There is insufficient evidence to either prove or disprove the allegation against a particular officer.

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

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

FINDINGS OF FACT: The complainant stated he made certain requests either at the station or at the County Jail after he was fingerprinted. The officers involved in transporting the complainant did not witness any interaction between the complainant and any SFPD station personnel. The statements by the complainant were inconsistent with the practices of transporting and processing of intoxicated detainees at the station or County Jail. There is insufficient evidence to either prove or disprove the allegation against a particular officer.

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OCC ADDED ALLEGATION

SUMMARY OF ALLEGATION #1: The officer failed to prepare a public intoxication report.

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

FINDINGS OF FACT: The complainant was detained for public intoxication. There was no public intoxication report located, and the officer said he wrote his unit in the field arrest card to assist the unidentified detaining officers on scene. The preponderance of the evidence established that the practices of SFSD personnel in accepting detainees for public intoxication from SFPD personnel are inconsistent with SFPD written policies.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers lacked probable cause to detain him. The evidence established that complainant's appearance, partial clothing, vehicle, location and direction of travel matched the suspect and vehicle description provided by the 911 caller regarding a person with a gun.

SUMMARY OF ALLEGATION #3- 4: The officer racially profiled the complainant.

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

FINDINGS OF FACT: The complainant stated that he was stopped for being black in a predominantly black neighborhood without sufficient probable cause. Racial profiling is the use of race or other factors without a specific suspect's description to initiate a law enforcement action. The preponderance of the evidence established that the complainant and his vehicle matched the specific suspect and vehicle description provided to 911 by the victim. Moreover, the race was only one of five other factors taken into consideration by the officers to detain the complainant in a low profile manner despite the nature of the call.

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

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

FINDINGS OF FACT: The complainant stated that since the officers lacked probable cause to detain him the tow was unwarranted as well. The evidence established that the detention was lawful and proper under the circumstances, and that the proper course of action was to establish his identity before he would be released. Although the officers involved during his detention provided inconsistent statements as to who and how the complainant's identity was established to ascertain that he was driving with a suspended license in order to prompt the towing of his vehicle, the complainant needed to be adequately identified prior to his release. Therefore, the discovery of the status of the complainant's driver's license was inevitable.

SUMMARY OF ALLEGATION #7: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation and none of the two witnesses in the area were able to verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the commanding officer failed to provide him with specific information about the officers involved in his arrest tow. The preponderance of the evidence established that the officer provided to the complainant what was reasonably available at the time the complainant was transported to County Jail with his property envelope, and then forwarded to OCC in the original complaint the identity of more officers than the OCC could establish were actually present on scene during this arrest tow.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1- #4: Unwarranted Action for the complainant's arrest without cause.

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

FINDINGS OF FACT: The complainant pled guilty in this case. The officers provided probable cause for their charges in the Incident Report and in their statements to the Office of Citizen Complaints. The evidence showed that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #5 - #8: Unnecessary Force for force used during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated he had no recollection of the force used during his arrest. The medical records obtained showed he did not complain of unnecessary force used during his arrest. The officers denied using unnecessary force during this arrest in their statements to the Office of Citizen Complaints. The evidence proved that the act alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #9: Conduct Reflecting Discredit for misrepresenting the truth.

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

FINDINGS OF FACT: The complainant provided no evidence that any officer misrepresented the truth. The hospital records and other police records show 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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SUMMARY OF ALLEGATION #1-5: The officers unlawfully and/or improperly entered the in-law/rental apartment.

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

FINDINGS OF FACT: The complainant stated the officers unlawfully entered a downstairs rental unit without her consent or a search warrant. The officers denied the allegation, stating they observed the complainant's son, on active parole, access the downstairs area and conducted a search pursuant to the parolee's search condition. The OCC investigation acknowledged the officers' lawful authority to search the downstairs area, subject to the parolee's apparent access to that area, however, there are disputed facts as to whether knock and notice requirements were observed prior to the search being undertaken. Thus, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer unlawfully and/or improperly entered the upstairs residence.

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

FINDINGS OF FACT: The complainant stated the named officer, accompanied by two other officers, used her keys to unlawfully enter her upstairs residence without knocking or announcing themselves and without obtaining her consent or possessing a search warrant. The officers denied the allegation. All but one of the officers stated they never entered the upstairs residence. The OCC investigation determined by a preponderance of the evidence that the named officer failed to observe knock and notice requirements and admitted himself into the residence with a key, such that his entry was unlawful and improper.

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SUMMARY OF ALLEGATION #7: The officer(s) unlawfully and/or improperly entered the upstairs residence.

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

FINDINGS OF FACT: The complainant stated two officers accompanied an identified officer, who used her keys to unlawfully enter her upstairs residence without knocking or announcing themselves and without obtaining her consent or possessing a search warrant. The officers conducting the parole search denied the allegation. All but one of the officers stated they never entered the upstairs residence. While there is an apparent failure by the unidentified officers to observe knock and notice requirements and or legally admit themselves into the complainant's residence with a key, there is insufficient evidence to identify the officers and, therefore, prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer conducted an unwarranted search of a parolee.

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

FINDINGS OF FACT: The complainant acknowledged the officers' authority to conduct a parole search of her soon. The officers contended their search of the parolee was pursuant to his active parole condition. The OCC investigation acknowledged the officers' lawful authority to search the parolee outside of the residence. The officer's search of the parolee was proper, lawful and justified.

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SUMMARY OF ALLEGATION #9-13: The officers conducted an unwarranted search and seizure in the garage and in-law/rental apartment.

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

FINDINGS OF FACT: The complainant stated the officers used her keys to unlawfully enter the downstairs residence without knocking or announcing themselves and without obtaining her consent or possessing a search warrant. The officers denied the allegation, stating the parolee informed them that there was no one else downstairs and they observed knock and notice requirements before entering to conduct their search. As discussed, there was insufficient evidence to prove the downstairs entry was proper, such that the subsequent search of the downstairs is similarly in question.

SUMMARY OF ALLEGATION #14-15: The officers conducted an unwarranted search and seizure in the upstairs residence.

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

FINDINGS OF FACT: The complainant stated that officers unlawfully entered her upstairs residence without knocking or announcing themselves and conducted a search without her consent or a search warrant. The officers denied the allegation, stating they had legal authority to search the upstairs residence pursuant to a parole search and their observance of knock/notice requirements. As discussed above, the OCC investigation determined by a preponderance of the evidence that knock/notice requirements were not followed, which would invalidate a search by these same officers. However, the subsequent search by other officers, who are unaware of the unlawful entry, falls within the good faith exception, such that their search of the upstairs residence was not deemed to be improper.

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SUMMARY OF ALLEGATION #16-20: The officers damaged the complainant's personal property without justification.

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

FINDINGS OF FACT: The complainant stated the officers damaged personal property. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #21: The officer exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that she spoke limited English, such that when her daughter attempted to answer the officer's questions posed to the complainant, the officer rudely told the daughter not to respond. The officer denied the allegation, stating he never entered the upstairs or spoke to the complainant's daughter. The OCC investigation determined by a preponderance of the evidence that the officer did speak to the complainant's daughter and rudely addressed her, in violation of Department General Order 2.01 (14).

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SUMMARY OF ALLEGATION #22-23: The officers exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers made rude remarks and/or threatened to arrest family members without justification. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #24: The officer wrote an inaccurate and /or incomplete report.

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

FINDINGS OF FACT: The complainant acknowledged that SFPD Incident Report #050898504 omitted information concerning the officers' unlawful entry into her upstairs residence. The officer denied the allegation, stating he did not know the upstairs residence had been searched. Further, the officer stated his belief that his documentation of the surveillance of a parolee (complainant's son) and the subsequent arrest of the parolee and search of a downstairs garage and in-law apartment would, by inference, document an officer(s)' entry and search of the complainant's upstairs residence, if such an occurrence transpired. The OCC investigation determined by a preponderance of the evidence that the officer failed his duty to document the search of the upstairs residence, such that his report's omission rose to the level of misconduct.

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SUMMARY OF ALLEGATION #1: The officer made inappropriate and threatening remarks and acted in an inappropriate manner.

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses at the scene denied hearing the alleged remarks or observing the alleged actions. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer made an unlawful detention, search & seizure and arrest of the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. A preponderance of the evidence proved that the conduct alleged, did occur, and that using as a standard the applicable regulations and general orders of the Department, the officer did not have probable cause to detain, search or seize the complainant's person.

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

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

FINDINGS OF FACT: The officer denied the allegation. A preponderance of the evidence proved the conduct alleged did occur, and that using as a standard the applicable regulations and general orders of the department, the officer did not have probable cause to detain, search, or seize the complainant or justification to handcuff the complainant. Therefore the act was improper and unlawful.

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

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses gave inconsistent statements as to what occurred and did not observe the entire incident. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #5: The officers used unnecessary force against the complainant.

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

FINDINGS OF FACT: The named officer denied the allegation and said he used force necessary to arrest the complainant when the complainant failed to comply with his orders. A preponderance of the evidence proved that the conduct alleged did occur, however said action was provoked by the officer who did not have probable cause to detain, search or seize the complainant pursuant to Department General Orders. Therefore the action alleged was improper and unlawful.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer made comments that were not appropriate, that he yelled at him, and that he shook his finger in the complainant's face. The officer denied the allegation. He stated that both he and the complainant raised their voices to be heard over moving traffic. Witnesses did not recall seeing or hearing the remarks or behavior. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant acknowledged that he drove a construction vehicle on the roadway without an escort vehicle. He acknowledged that he was driving slower than the posted speed. He denied that certain other requirements recited by the officer as violations, were necessary. The officer stated that the debris being transported by the complainant needed to be covered, that slow-traffic emblem needed to be affixed, and that the vehicle needed to be registered if driven on the roadway further than ¼ mile. California Vehicle Code Regulations and Airport Rules corroborated the officer's position. A witness confirmed that the vehicle had a light, but no slow-traffic emblem affixed, and two witnesses confirmed that there was no escort vehicle and that one was needed. 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 #3: The officer reported the complainant to the Department of Motor Vehicles without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer used his position to “punish” him. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer provided the Department of Motor Vehicles with inaccurate information.

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

FINDINGS OF FACT: The complainant stated that he was on a roadway with a posted speed of 25 miles per hour and was driving ten to fifteen miles per hour. The officer stated that his experience and training caused him to believe the complainant was driving at a speed of three to four miles per hour only. He stated that the incident occurred in a transitional zone between the 25 miles per hour zone in a terminal and the 35 mile per hour traffic on a ramp leading out of the airport, but that in either event, the complainant was driving unsafely for conditions. Records indicate that the officer entered the 35 mile per hour figure on the report he submitted to the Department of Motor Vehicles. He also indicated that the complainant was driving a piece of equipment with a wide load on the forks. The complainant argued that the load did not exceed the width of the traffic lane. The officer stated that his notation referred to the width of the fork load from tires forward, which he considered to be unbalanced and unsafe. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to properly identify himself.

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

FINDINGS OF FACT: The complainant acknowledged that the officer voluntarily displayed his badge when approaching the complainant but said that he failed to offer any other form of identification. The officer stated that no other identification was requested. Department regulations do not require an officer to offer additional identification. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #6: The officer misused his police authority.

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

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

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

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

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

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

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

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

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that the complainant matched the description of a suspect and that he was told by a bystander the complainant was the suspect the officer was searching for. The bystander identified by the officer did not recall the incident. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer stated that the complainant was attempting to move away as if to escape and the officer handcuffed him for safety purposes. One witness officer said he did not recall if the complainant was handcuffed when he arrived on the scene. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he searched the property for weapons and identification. One witness officer stated that he saw a search but could not describe it. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to state a reason for detaining the complainant.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he told the complainant why he was being detained. One witness officer said that he was not close enough to hear what was said during an incident. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer conducted a prolonged detention.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he held the complainant just until an identification process could be completed. A witness officer stated that the complainant got on the bus after a “cold-show” identification. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to provide his name and star number on request.

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

FINDINGS OF FACT: The named officer denied the allegation, saying that he gave his name and star number. One witness officer said he was not close enough to hear what was said by the officer or the complainant. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer stated that another officer had requested a case number and so the named officer assumed the other officer would write the report. The named officer acknowledged he should have written a report and did not. One witness officer stated he was a traffic officer and was only responsible for documenting a traffic accident. Department regulations state that an incident report was required. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he hand-wrote a report on the date of the incident and submitted it to his supervisor, and to the Department for recording and filing. The named officer alleged that the Department lost the report, and that he re-created the report from his original notes, which he then discarded. There is no evidence available from the Department or the named officer that indicates he filed the report as required. Records that might have supported the named officer's position could not be located by the Department. One witness officer said he did not recall if he signed the report on the day of the incident. Several other witness officers stated they did not discuss the report and did not contribute to it. There were no other witnesses.

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SUMMARY OF ALLEGATIONS #9, #10: The officers failed to properly document an incident.

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

FINDINGS OF FACT: The named officers said they did not recall if they filled out a “Cold Show” Admonition form to document the attempt to identify a suspect in a crime. Two witness officers stated that the normal procedure was for the officers who drove a victim to a cold-show would fill out the Admonition Form. Department regulations indicate that the Cold Show admonition form shall be filled out. A preponderance of the evidence indicated that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #11: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he began to fill out a Certificate of Release but that because the complainant refused to accept it, he did not complete it or file it to document the detention. The named officer said further that he did not complete or file the form because the complainant had not signed it. One witness officer stated the form has no space for the detainee’s signature, and that he was unaware of a practice by officers to draw one on the form. Department regulations require the filing of the certificate of release. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #12: The officer used unnecessary force during a detention.

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer stated that he was not present for the initial detention and left at one point during the incident. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer stated that he was not present for the initial detention and was too far away from the detention site to hear what was said. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 1-3: The officers used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant said the officers knocked him to the ground, placed a knee on his head and purposely tightened the handcuffs more. The complainant said he sustained abrasions to his knee and head. The officers denied the allegation. The witness' statements were inconsistent. One witness did not come forward. The complainant failed to provide documentation of injuries, medical release, and video footage taken by a witness. There is insufficient evidence to determine that the officers used excessive force.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at him during the incident and also publicly proclaimed to passers by, "See we arrest white people too." The officer denied the allegation. One witness did not recall hearing this comment. Another witness did not respond for an interview. There is insufficient evidence to prove or disprove the allegation

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SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he requested a Breathalyzer test. The complainant said the officer told him that he could have the test, but the test was never administered. The officer stated it is not his job to administer the test and said he informed the complainant that he could make arrangements at a cost to him. Per Booking and Detention Manual the complainant is suppose to be given the opportunity to make arrangements for a test. There were no witnesses to this conversation. There is insufficient evidence to prove or disprove that the officer gave the information to the complainant.

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

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

FINDINGS OF FACT: The complainant stated he consumed three beers over a period of six hours and was not intoxicated. He said the officer had nothing else to charge him with except to label him as drunk and detained the complainant for four hours. The officers denied the allegation. The witnesses admitted that they had all consumed alcohol but did not believe the complainant was intoxicated. Another witness did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officers denied the allegations, stating that the complainant was detained for investigation of irrational and disruptive behavior. Three witnesses corroborated the complainant's irrational and disruptive behavior. No other witnesses came forward. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3, 4: The officers handcuffed the complainant behind his back improperly.

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

FINDINGS OF FACT: The named and two witness officers denied the allegation, saying that the complainant was handcuffed pursuant to Department policy. Three witnesses stated that the complainant's demeanor was irrational and disruptive.

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SUMMARY OF ALLEGATIONS #5, 6: The officers used unnecessary force.

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

FINDINGS OF FACT: The named officers denied the allegations, stating they did not use force or control holds beyond the minimum to handcuff the complainant. The named officers further said the complainant never said he was in pain. Three witnesses stated that the officers did not use excessive force, but those three witnesses said they heard the complainant yell about being in pain. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7, 8: The officers failed to properly process property.

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

FINDINGS OF FACT: The named officers denied the allegations, stating that they found nothing on their search of the complainant. Three witnesses said they did not recall the officers searching the complainant. There was no evidence that the officers had the property the complainant alleged was taken from him. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #9, 10: The officers failed to provide an alcohol test on request.

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

FINDINGS OF FACT: The named officers denied the allegations, stating the complainant did not ask for a test and they did not accuse him of being drunk. Three witnesses said they did not hear the officers' conversations with the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #11, 12: The officers failed to answer questions or state the reason for detaining the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officers did not tell him why they were holding him but also said the officers gave him a reason for the detention. The named officers denied the allegations. Three witnesses stated that they did not hear the officers' conversations with the complainant. No other witnesses came forward. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #13: The officer made inappropriate comments during a phone conversation with the co-complainant.

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

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

SUMMARY OF OCC-ADDED ALLEGATIONS #1, 2: The officers failed to file a request for alcohol Test form.

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

FINDINGS OF FACT: The named officers denied the allegation, saying the complainant did not request an alcohol test. Three witnesses at the scene said they did not hear the complainant say anything about alcohol to officers. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officers operated Department vehicles in an unsafe manner.

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

FINDINGS OF FACT: The complainant stated that she and her son were walking on a sidewalk when they were approached from behind by 3-4 officers on motorcycles. The complainant stated that she had to pull her son away from their path to keep him from being hit. The complainant could not describe the alleged officers. The two motorcycle officers identified as being on the scene denied operating their motorcycles in an unsafe manner. No other witnesses came forward. The identity of the alleged officers has not been established. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-4: The officer made inappropriate comments and behaved inappropriately.

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

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

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SUMMARY OF ALLEGATIONS #5-7: The officers failed to provide their star numbers on request.

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

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

SUMMARY OF ALLEGATIONS #8-9: The officers failed to maintain proper care and custody of a prisoner.

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

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

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SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged that she was arrested without cause. The officers stated that the complainant was arrested for sales of narcotics. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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

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

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

SUMMARY OF ALLEGATION #9: The officer used profanity.

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

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

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SUMMARY OF ALLEGATION #10: The officer displayed his weapon without justification.

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

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

SUMMARY OF ALLEGATIONS #11-15: The officers conducted a strip search without cause.

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

FINDINGS OF FACT: The complainant was arrested for sales of narcotics. OCC's investigation established that the officers conducted a strip search with the approval of a supervisor. 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: The officer wrongfully issued a citation.

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

FINDINGS OF FACT: The complainant admitted he made a lane change due to a double-parked vehicle. The complainant stated he should not have been given a citation. The complainant stated he had no choice but to go around a vehicle. The officer stated he observed the complainant make two unsafe lane changes and cited him accordingly. There were no witnesses that provided a statement at this time. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer made fun of his driver's license regarding his driving age. The complainant stated the officer lied to him. The complainant stated the officer told him he was going to cite him on a different traffic violation code. The officer stated he told the complainant that he was cited for CA Vehicle Code 2158(a) an unsafe lane change. There were no witnesses that provided a statement at this time. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant was involved in landlord/tenant dispute. The complainant alleged that the officers issued an invalid order by asking him to leave his apartment. OCC's investigation established that the complainant had established tenancy, and that the officers wrongly asked him to leave. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The named officer and his partner denied the allegation. A witness, who was involved in a dispute with the complainant, said that he did not witness any officers behaving inappropriately toward the complainant. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer failed to return the complainant's driver's license.

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

FINDINGS OF FACT: The named officer and his partner denied the allegation. A witness interviewed by the OCC said that he did not know if the officer returned the complainant's driver's license. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-7: The officers failed to take required action.

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

FINDINGS OF FACT: The officers denied the allegation. A witness involved in a dispute with the complainant stated that he did not hear the complainant's conversation with the officers. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant alleged that the officer had something to do with him being removed from his apartment. The officer denied the allegation. A witness, who was involved in a dispute with the complainant, also denied the complainant's allegation against the officer. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said his friend got into a fight with a man and then they both walked away. The complainant said he did nothing but was arrested anyway. The officers stated that the victim identified the complainant as one of the suspects. During the course of the investigative detention a record check revealed that the complainant had an outstanding warrant. The complainant also did not respond for interview. There is sufficient evidence to prove that the complainant's arrest was proper.

SUMMARY OF ALLEGATION #3-4: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant said he had a coat, cash in the coat pocket, and CD's in the coat pocket that never were returned to him. The officers denied the allegation. Department records description of the suspect does not mention a black coat. The SFSD property receipt does not include a jacket and no CDS or cash were listed. 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 failed to comply with a court order.

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

FINDINGS OF FACT: The named officer stated he had no independent recollection of having received the court order. Department records indicate that the named officer was the last to receive the court order. Department records indicted the court order was not complied with. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/03/06 **DATE OF COMPLETION:** 07/19/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 through 3: The officers used unnecessary force.

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

FINDINGS OF FACT: The named officers denied the allegation. Other officer's on-scene denied using any unnecessary force. A witness observed the complainant physically resist officers during the arrest. There is insufficient evidence to identify a third officer and to reach a definitive finding.

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

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

FINDINGS OF FACT: There is sufficient evidence to establish reasonable suspicion to detain and probable cause to arrest based on the officers and witness statements.

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DATE OF COMPLAINT: 01/03/06 **DATE OF COMPLETION:** 07/19/06 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #5 and 6: The officers failed to provide the complainant with medical attention.

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

FINDINGS OF FACT: The officers denied that the complainant requested medical attention. The Use of Force Log documents that the complainant complained of pain at some point during the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION :

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/09/06 **DATE OF COMPLETION:** 07/25/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately and retaliated against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer directed that she be kept from a community meeting because she had made a public complaint against him for failing to include her in community mailings. She further stated that he directed mental health workers to speak to her, also in retaliation. The officer denied that he directed anyone to exclude the complainant, or that any officer excluded the complainant. He gave safety reasons for seeking an assessment of the complainant, based on contacts she had with him and other community members. No independent witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officers failed to respond to her address in response to her call for police assistance. She stated she was at home and would have heard anyone at the door or anyone who phoned. The officers stated that they responded, checked the area, knocked on her entry and had a call back made to her phone in an attempt to interview her. San Francisco Police Department records support the officer's response. The officers took acceptable and proper action.

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DATE OF COMPLAINT: 01/10/06 **DATE OF COMPLETION:** 07/13/06 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the officer spoke inappropriately in a cold and mean manner. The officer denied the allegation. A witness failed to come forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to answer her when she asked him what law she had violated and failed to provide the location of the alleged violation or to point out the person allegedly involved. The officer denied the allegation. A witness failed to come forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she did not fail to stop for a pedestrian, although the officer cited her for the violation. The officer stated that he had a clear view of the intersection and observed the complainant continue through a crosswalk, causing a pedestrian in the middle of the crosswalk to stop to avoid being hit by the complainant's vehicle. A witness failed to come forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officer improperly cited him for running a red light, as corroborated by the complainant's wife. The officer denied the allegation, stating the complainant entered the intersection against a red light, in violation of California Vehicle Code Section 21453(a). There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate remarks regarding his parenting skills and his visit to San Francisco, which the complainant's wife corroborated. The officer acknowledged making statements similar to what the complainant and his wife recalled, but without the derogatory intent. The Office of Citizen Complaints investigation determined, by a preponderance of evidence, the officer's statements/comments were in violation of Department General Order 2.01 (14), regardless of the words intended meaning. As such, the officer's comments were discourteous, disrespectful and uncivil and, thus, improper.