

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/26/07      **DATE OF COMPLETION:** 08/18/07      **PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer initiated a traffic stop without justification.

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

**FINDINGS OF FACT:** The officer stated that the registration tag on the rear license plate of the complainant's vehicle was suspiciously mangled. A query of the license plate documented that the vehicle was not registered. The complainant admitted that the vehicle was not registered as it had been recently purchased. The conduct of the officer was proper.

**SUMMARY OF ALLEGATION #2:** The officer selectively enforced the traffic laws against the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. There is insufficient evidence to reach a dispositive finding.

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

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

**FINDINGS OF FACT:** The complainant said that his vehicle suspension was damaged during the vehicle tow. The vehicle tow was performed by Auto Return. The evidence proved that the officer was not involved in the alleged acts.

**SUMMARY OF ALLEGATION #4:** The officer used profanity.

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

**FINDINGS OF FACT:** The officer had no recollection of the incident. There is insufficient evidence to reach a definitive finding.

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**SUMMARY OF ALLEGATION #1-4:** The officers used force during the arrest.

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

**FINDINGS OF FACT:** The complainant said the officers used force during the arrest. The officers denied the allegation. The officers said the complainant resisted during the arrest. One witness said the complainant was somehow resisting during the arrest. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer tightly handcuffed the complainant.

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

**FINDINGS OF FACT:** The complainant said the officer tightly handcuffed her during the arrest. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6-7:** The officers made sexually derogatory comments.

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

**FINDINGS OF FACT:** The complainant said the officers made sexually derogatory comments during the contact. The officers denied the allegation. One witness said he did not hear any officer say sexually or racially derogatory comments during the incident. Another witness said he could not figure out what the officers were saying during the contact. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #8:** The officer made racially derogatory comments.

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

**FINDINGS OF FACT:** The complainant said the officer made racially derogatory comments during the contact. The officers denied the allegation. One witness said he did not hear any officer say sexually or racially derogatory comments during the incident. Another witness said he could not figure out what the officers were saying during the contact. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #9:** The officer issued a citation to the complainant without cause.

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

**FINDINGS OF FACT:** The complainant said the officer issued her a citation without cause. The officer denied the allegation. The officer said the complainant was cited for delaying and resisting arrest. One witness said the complainant was somehow resisting the officers during the arrest. The evidence proved that the act, which provided the basis for the allegation occurred. However, such act was 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 failed to take a report.

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

**FINDINGS OF FACT:** The complainant, who was not present at the scene of this incident, claimed that the responding officers failed to write a report regarding the occurrence. However, the OCC investigation revealed that the officer, in fact, generated an incident report.

**SUMMARY OF ALLEGATION #2:** The officers improperly questioned the complainant's son.

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

**FINDINGS OF FACT:** The evidence proved that the act by the members was justified by Departmental policy, procedure, or regulation. However, the OCC recommends a change in the particular policy procedure or regulation.

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**SUMMARY OF ALLEGATIONS #3-4:** The officers acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The co-complainant stated that the officers were “rude,” “condescending,” “abrupt” and “abrasive” during this police contact. The named members denied acting in the alleged manner during the incident. Two witnesses failed to support the co-complainant’s claim that the officers acted improperly. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer ordered the complainant handcuffed.

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

**FINDINGS OF FACT:** The named member stated that she ordered the complainant handcuffed for her safety and the safety of the officers at the scene during a police response to a domestic disturbance call because the complainant appeared agitated and overly aggressive towards her former husband. The statements from three other officers who were present during the incident were inconclusive as to whether, in fact, there were sufficient reasons for the complainant's handcuffing. The OCC was unable to locate and interview the complainant estranged husband. The available evidence was insufficient to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The named member stated that she was professional while handling two domestic disturbance incidents at the complainant's residence and tried to de-escalate the situation between the complainant and her former husband. The named member also articulated the reasons for the comments, which the complainant felt were inappropriate. The statements from three other officers, who were present during the incidents, were inconclusive as to whether the named member had, in fact, any legitimate reasons for her comments. The OCC was unable to locate and interview the complainant's estranged husband regarding these incidents. The available evidence was insufficient to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer failed to accurately document the incident.

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

**FINDINGS OF FACT:** The named member claimed that her entries in the Event History Details regarding two domestic disputes at the complainant's residence accurately documented the transpired events. Two officers who were present during these incidents supported this statement and the third officer could not provide any information relevant to this allegation. The OCC was unable to locate and interview the complainant's estranged husband regarding the occurrences. The available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant said the officer woke her up and told her she needed to leave the parking lot. The officer denied the allegation. The officer stated he advised the complainant of MPC 97 (b) and told her she could be subject to a citation if she slept in her car after 10:00 PM. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer was discriminating against her because she is homeless and opened the door to her car to bother her. The complainant also stated the officer drove around the Starbucks parking lot three times looking at her while she drank her coffee. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 03/12/07 **DATE OF COMPLETION:** 08/10/07 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he received several street sweeping violation citations and that the officer did not have the courtesy to inform him of what the violations were even though he was in the vehicle at the time the citations were issued. The evidence showed that the citations were written by DPT and not by a member of the SFPD. The complaint raises matters outside OCC's jurisdiction and the complaint is being referred to DPT/MTA.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer seized the complainant's property without justification.

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

**FINDINGS OF FACT:** The evidence established that the act alleged in the complaint of the officer seizing and booking the complainant's knife was proper, justified and within the policy of the San Francisco Police Department.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1 & #2:** Neglect of Duty for failure to take required action.

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

**FINDINGS OF FACT:** The complainant alleged that probable cause to arrest a suspect was present, but these officers ignored this cause and did not arrest because of the suspect's and alleged victim's identities. The officers' statements to the O.C.C., and the documentation discovered during the course of the investigation prove that probable cause to arrest without a warrant was not present during this investigation. The evidence also shows that a private person arrest was not made or desired by the alleged victim, in that he refused such in his written statement made at the time of the incident and attached to the Incident Report. It was not proper, therefore, for the officers to have arrested the suspect in this incident, according to the evidence collected and documented during the investigation of the incident. The evidence proved that the acts alleged, failure to take required action, did not occur.

**SUMMARY OF ALLEGATION #3 & #4:** Conduct Reflecting Discredit for selective enforcement.

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

**FINDINGS OF FACT:** The complainant alleged that the officers acted differently toward the suspect because of the suspect's identity and the identity of the alleged victim, and did not take appropriate action because of their respective identities. The officers stated in their O.C.C. interviews that they conducted a full investigation, and took appropriate action during this investigation, not because of the suspect's and alleged victim's identity. The documents associated with this investigation were complete, and corroborated the officers' statements. The officers took appropriate enforcement action according to the facts documented. The evidence proved that the acts alleged, selective enforcement, did not occur.

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**SUMMARY OF ALLEGATION #5 & #6:** Conduct Reflecting Discredit for inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant alleged that the officers covered up the wrongdoing of the suspect because of the suspect's identity. The investigation did not reveal a cover-up. The incident was fully investigated. The officers stated they gathered evidence, interviewed all parties and witnesses, and wrote a full and complete Incident Report. The documents retrieved as part of the investigation corroborated the officers' statements, and show a complete investigation, not a cover-up. The evidence proved that the acts alleged 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 detained the co-complainant without justification.

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

**FINDINGS OF FACT:** The co-complainant was known by the officers to be on active parole with a search condition at the time of the detention.

**SUMMARY OF ALLEGATIONS #2, 3 and 4:** The officers used unnecessary force against the co-complainant.

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

**FINDINGS OF FACT:** The complainant admitted to being agitated during the detention and arguing with the officers. The officers said the complainant became violent during the detention. The officers said that alternative uses of force; the baton or pepper spray were not reasonable under the circumstances. The officers said the use of the carotid restrain was reasonable and necessary. The primary complainant admitted that the co-complainant refused the officers orders, protested the officers actions and pushed against the officers when they were placing him into the patrol car. There are no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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**SUMMARY OF ALLEGATION #5:** The basis for the detention was to harass the co-complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. Witness officers denied any knowledge of such intent by the named member. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #6:** The officer arrested the co-complainant without cause.

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

**FINDINGS OF FACT:** The co-complainant admitted to being agitated during the detention but denied that his conduct gave the officers probable cause to arrest him. The primary complainant said the co-complainant pushed against the officers. The SF Pilot Enforcement Program guidelines instruct that trespass violations be enforced by an admonishment of first time offender. The officers stated that the co-complainant was in violation of the loitering laws. Based on the officer's statements, as well as *Edgerly v. City and County of San Francisco*, the investigation found that the Department maintained a policy of detaining individuals on Housing Authority property to conduct identification checks. The Federal Appellate Court has stated this practice is not complaint with probable cause for arrest. The evident proved that the act by the member was justified by Departmental policy procedure or regulations; however, the OCC recommends a change in the particular policy, procedure, or regulation.

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**SUMMARY OF ALLEGATION #7:** The officer used profanity.

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

**FINDINGS OF FACT:** The officer denied the allegation. Other officers at the scene denied hearing the alleged comment. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1 and #2:** Unwarranted Action for detention of a group without cause.

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

**FINDINGS OF FACT:** The complainant admitted that he came upon the scene when the police had already detained the group of men, and admitted that he did not see the group before the police arrived. He could not say whether or not there was reasonable suspicion that the men had committed a crime before he arrived. There were no other witnesses identified to this event. Both the complainant and the officers stated that there were other people around, but they did not know who they were. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3 and #4:** Unwarranted Action for detention of complainant without cause.

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

**FINDINGS OF FACT:** The officers on scene stated that the complainant overstepped the bounds of an onlooker as defined in DGO 5.07 and interfered with their investigation. They both stated that they detained him to investigate this possible crime of interfering and delaying, covered by California Penal Code §148. The complainant admitted to criticizing the officers' actions, which is not covered in the General Order regarding "Rights of Onlookers," but said he did this because he felt the officers were acting unlawfully. There were no other witnesses identified to this event. Both the complainant and the officers stated that there were other people around, but they did not know who they were. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** Unnecessary Force for force used during detention.

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

**FINDINGS OF FACT:** The officers on scene stated that the complainant would not take his hand out of his pocket when requested, the complainant seemed to present a danger to them because of this resistance, and that a minimum amount of force [a bent wrist compliance hold] was needed to overcome this resistance for officer safety purposes. The officers stated that no other force was used against the complainant. There were no other witnesses identified to this event. The complainant and the officers stated that there were other people around, but they did not know who they were. The location was far enough away from any store windows so that people in stores nearby would not have seen the event. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6 and #7:** Unwarranted Action for asking for the complainant's identification and running a warrant check.

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

**FINDINGS OF FACT:** The officers on scene stated that the complainant was detained because of an investigation into possible criminal conduct, and this allowed them to do a warrant check. There were no other witnesses identified to this event. Both the complainant and the officers stated that there were other people around, but they did not know who they were. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #8:** Conduct Reflecting Discredit for inappropriate behavior and comments.

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

**FINDINGS OF FACT:** The officer denied this allegation, and his partner stated he did not witness the officer performing this misconduct. There were no other witnesses identified to this event. Both the complainant and the officers stated that there were other people around, but they did not know who they were. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #9:** Unwarranted Action for search without cause.

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

**FINDINGS OF FACT:** The officers on scene stated that the complainant seemed a threat to their safety because of his confrontational attitude and bulging jacket pockets, which could have contained a weapon. When the complainant put his hand in his pocket and would not comply with the officer's order to take his hand out of his pockets, this threat was intensified into probable cause to check for a weapon. There were no other witnesses identified to this event. The complainant and the officers stated that there were other people around, but they did not know who they were. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #1-2:** The officers interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The complainant stated that officers intimidated him as he observed an ongoing traffic stop. The officers denied the allegation. They countered that they were investigating a traffic stop when the complainant ran into the street and accused them of racially profiling a “black” man. The subject of their stop was in fact, Asian. The officers further stated that the complainant interfered with their investigation by attempting to record the incident at too close a range. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant said she sampled two grapes total, which she did not get the bag to buy at the time because she felt intimidated after the officer's comment and decided to come back later. The complainant said when she returned to the produce section the security guard blocked her and told her to leave the store now. The complainant said she was practically shoved out of the store. The complainant said she left but then came back but the officer and security would not allow her inside the store and was handcuffed and taken to the station and then released. The sergeant stated the complainant was detained first because she was trespassing after being told that she was not allowed back into the store by the security guard a representative of the store and so that she could run the complainant at the station. The witness stated that he knew complainant to be a shoplifter of small items. Per DGO 5.03 the officer had the authority to do an investigative detention.

**SUMMARY OF ALLEGATION #2:** The complainant was transported to the station without justification.

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

**FINDINGS OF FACT:** The complainant said that she did not know why she was taken to the station for something ridiculous. The officer stated the complainant was previously told to leave the premise and then returned and wanted to enter the store. The officer stated she called a unit to transport the complainant because she was agitated and refusing to leave the premise the officer felt that taking her to the station she could figure out if there was any mental health issue and run her there and then release her. Per DGO.5.03 officers have the authority to do investigative detentions and move persons if necessary. The sergeant released the complainant per 849 b and wrote a report.

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

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

**FINDINGS OF FACT:** The complainant stated that the sergeant and security guard were taunting her making comments. The sergeant denied the allegation. The witness denied that they made any comments. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant has not contacted Office of Citizen Complaints despite several attempts to contact him by letter and through his family. The complainant did not identify the location, time or involved officers on the 293-complaint form provided to Office of Citizen Complaints. Neither the San Francisco Police Department nor the Office of Citizen Complaints could locate the incident based on the complainant's description of the contact. There is insufficient evidence to investigate this complaint without further contact from the complainant.

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

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

**FINDINGS OF FACT:** The complainant has not provided Office of Citizen Complaints with further requested information to identify the location, time or involved officers for the alleged contact. There is insufficient evidence to investigate this complaint without further contact from the complainant.

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

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

**FINDINGS OF FACT:** The complainant stated the officers used unnecessary force during her arrest. The officers denied that excessive force was used during the arrest. An independent witness corroborated that excessive force was not used during the arrest by any officer. The evidence proved the act alleged did not occur.

**SUMMARY OF ALLEGATION #2:** The officer used a sexual slur.

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

**FINDINGS OF FACT:** The complainant stated the officer(s) used a sexual slur. All officers denied the allegation. An independent witness stated no officer used a sexual slur. The independent witness stated that a person at the scene made the sexual slur however that person was not a San Francisco Police Department officer. The evidence proved the alleged act did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated the officer arrested her for no reason. The evidence showed that the complainant was placed under a citizen's arrest and that the officer accepted the citizen arrest as required by California State law and San Francisco Police Department policy. The evidence proved the alleged act occurred, however said act was appropriate, proper and lawful pursuant to San Francisco Police Department policy and procedures.

**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:** PC    **DEPT. ACTION:**

**FINDINGS OF FACT:** The officer booked the complainant's property appropriately. The complainant signed the booking slip acknowledging the property was booked during his arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were lawful, justified and proper.

**SUMMARY OF ALLEGATION # 2:** The officer used racially derisive language towards the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. There were no witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/15/07 **DATE OF COMPLETION:** 08/13/07 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** This complaint was filed in connection with a civil claim against the SFPD regarding towed vehicle storage fees. According to the claimant, “a female officer” gave her “wrong” and “misleading” information over the phone, which prevented the claimant from taking necessary actions and resulted in a substantial financial loss. The Office of Citizen Complaints found that the telephone number at which the complainant received the alleged inaccurate information is maintained by the San Francisco MTA-DPT and the matter was referred for further investigation to:

Ms. Mary Holland,  
Assistant Director  
SF MTA-DPT Enforcement Division  
1 South Van Ness Avenue, 7<sup>th</sup> Floor  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/02/07 **DATE OF COMPLETION:**08/18/07 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer drove improperly.

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

**FINDINGS OF FACT:** The complainant filed a claim with the City of San Francisco regarding this incident. The complainant failed to respond to contact attempts made by the OCC inquiring as to whether the complainant wanted to make an OCC complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/23/07 **DATE OF COMPLETION:**08/20/07 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officer failed to properly operate a department vehicle.

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

**FINDINGS OF FACT:** The complainant stated they did not want to go forward with the OCC complaint and withdrew the complaint.

**SUMMARY OF ALLEGATION :**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/16/06 **DATE OF COMPLETION:** 08/24/07 **PAGE#** 1 of 7

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

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

**FINDINGS OF FACT:** The complainant stated that she was visiting a friend residing at a public housing unit when two officers detained her, and requested identification. The complainant was unable to provide identification at the time of her detention. The person the complainant stated she was visiting did not answer the door of his apartment when the officers knocked. The witness interviewed by the Office of Citizen Complaints stated he told the complainant that the resident of the complex was not at home. Based on the officer's statements, as well as *Edgerly v. City and County of San Francisco*, the investigation found that the Department maintained a policy of detaining individuals on Housing Authority property to conduct identification checks. The Federal Appellate Court has stated this practice is not compliant with probable cause for arrest. The evidence proved that the act by the member was justified by Departmental policy procedure or regulation; however, the Office of Citizen Complaints recommends a change in the particular policy, procedure, or regulation.

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

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

**FINDINGS OF FACT:** The complainant stated that she was visiting a friend residing at a public housing unit. Two police officers detained her, and one of the officers conducted a search of her person for weapons. The complainant stated that the officer's search was improper. The complainant wore a sweatshirt "hoodie," with a pocket in the front. The complainant alleged that the officer improperly searched the interior of the pocket, removing personal items over her vocal objections and failed to limit himself to a pat search of the exterior of her clothing. The officer denied the allegation. The witness did not see the search, but only overheard the complainant's objections to the search. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/16/06 **DATE OF COMPLETION:** 08/24/07 **PAGE #2 of 7**

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

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

**FINDINGS OF FACT:** The complainant stated that she was visiting a friend residing at a public housing unit. Two police officers principally detained her. During this time, the complainant had extensive verbal contact with one of the named officers and alleged that he made certain inappropriate comments concerning the circumstances of her detention. The witness had overheard the officer making certain inappropriate comments, but the accounts of the witness and the complainant did not coincide. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #6:** The officer acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant alleged that the officer read the notes of a witness as the witness took notes during the course of the incident. The witness did not come forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/16/06 **DATE OF COMPLETION:** 08/24/07 **PAGE #3 of7**

**SUMMARY OF ALLEGATION #7:** The officer failed to provide his name and star number upon request.

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

**FINDINGS OF FACT:** The complainant stated that during her detention, she felt the detention was unjustified and sought to identify the officers who detained her. After the complainant verbally provided her name, she asked the principal detaining officer for his star number. The witness was unclear on what occurred next. According to the witness, the complainant requested the information more than once from the named officer and failed to acquire the requested information. The witness stated that at an early point during her detention, the complainant had a pen in her hand attempting to identify the officer. The witness was unclear on which officer the complainant sought to identify. The officer denied the allegation, stating that he complied with the complainant's request. The contact soon escalated to a physical detention in which officers stated the complainant pulled away and attempted to hit the officer. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #8:** The officer failed to provide his name and star number upon request.

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

**FINDINGS OF FACT:** The complainant stated that during her detention, she felt the detention was unjustified and sought to identify the officers who detained her. After the complainant verbally provided her name, she removed a pen from the pocket of her "hoodie" sweatshirt, and sought to identify the officers who detained her. Due to complications related to her detention by another named officer, the complainant never asked the second officer for his name and star number, although she intended to do so. The witness stated that the complainant never had the opportunity to ask the second officer to identify himself. The witness never heard the complainant articulate a request by the complainant for the second named officer. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/16/06 **DATE OF COMPLETION:** 08/24/07 **PAGE #4 of 7**

**SUMMARY OF ALLEGATIONS #9-10:** The officers arrested the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that she was visiting a friend residing at a public housing unit when two officers detained her, and requested identification. The complainant provided verbal evidence of her identity and protested the reason for her detention. The officers insisted on the complainant producing documented evidence of her identity and alleged she was trespassing. The officers knocked on the door of the apartment the complainant stated she was visiting. No one answered the door. One of the officers searched the complainant. The form of the search was such that the contact between one of the officers and the complainant escalated in hostility, resulting in her arrest on a number of charges, including resisting arrest. The witness gave information that was inconsistent with police accounts of the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #11:** The officer interfered with medical assistance.

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

**FINDINGS OF FACT:** The complainant stated that the officer improperly intervened while she was being treated by paramedics, telling them not to interfere with an investigation. The officer denied the allegation. The witness interviewed was closest to the complainant while she was treated by paramedics. He stated he thought the medics' treatment was "minimal," but did not mention that the officers told the paramedics to not intervene in an investigation. The complainant signed a waiver, indicating she opted not to be transported to a hospital. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/16/06 **DATE OF COMPLETION:** 08/24/07 **PAGE #5 of 7**

**SUMMARY OF ALLEGATIONS #12-13:** The officers used profanity.

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

**FINDINGS OF FACT:** The complainant stated the officers used profanity during the course of their investigation. The officers denied the allegation. The witnesses did not overhear or recall which of the officers utilized profanity. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #14-15:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated the officers failed to investigate the entire incident, which included other persons detained at the scene besides herself. The officers denied the allegation, stating they did investigate at least two other persons detained besides herself during their walk through the apartment complex. The Office of Citizen Complaints reviewed the incident report and the unit histories of the named officers and found definitive evidence of three persons detained, arrested or admonished but could not find specific evidence of additional persons detained, arrested or admonished. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/16/06 **DATE OF COMPLETION:** 08/24/07 **PAGE** #6 of 7

**SUMMARY OF ALLEGATION #16:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated during her detention in the courtyard of a public housing complex, she was grabbed from behind by the officer in his attempt to place her under arrest. The complainant alleged the officer slammed her on the ground of the courtyard of an apartment complex and used a chokehold on her. During the incident, the complainant suffered an abrasion to her face requiring the services of paramedics. Two witnesses reported seeing the officers use force on the complainant. Their accounts differed as to the type and location of the force used. The officers stated the complainant resisted efforts to take her into custody. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #17:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated during her detention in the courtyard of a public housing complex, she was grabbed from behind by an officer in his attempt to place her under arrest. The Office of Citizen Complaints determined that one officer was principally responsible for the force used on the complainant. The second named officer came to the aid of the primarily named officer. The principal percipient witness did not provide sufficient corroborative evidence to support the complainant's allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/16/06 **DATE OF COMPLETION:** 08/24/07 **PAGE #7 of 7**

**SUMMARY OF ALLEGATION #18:** The officer failed to properly investigate the officer's use of force against the complainant.

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

**FINDINGS OF FACT:** The complainant alleged that the supervising officer who arrived on scene after her arrest failed to properly investigate the use of force used against her. The Office of Citizen Complaints interviewed three civilian witnesses as well as all of the officers who were on scene. One of those witnesses told the Office of Citizen Complaints that the officer did not fully convey the witness's statement to the officer in the incident report. Another witness told the Office of Citizen Complaints that he was not interviewed by the officer. The officer denied the allegation. The investigation failed to disclose sufficient 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:** 04/27/07    **DATE OF COMPLETION:** 08/14/07    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said the officer was rude because he offered no greeting and was threatening because he had one hand on his gun. The officer denied placing his hand on his gun. He stated he did not offer a greeting, but said he was polite and respectful to the complainant. The witness said the officer only spoke one-word commands and offered no greeting. The witness did not notice if the officer had a hand on his gun. Department rules do not specifically state that an officer must offer a greeting, nor is there a script that officers are expected to use for traffic stops. 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:** 05/02/07 **DATE OF COMPLETION:** 08/20/07 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer denied making the alleged statements or acting in the manner alleged by the complainant. There were no witnesses to this contact. There is insufficient evidence to prove or disprove the complainant.

**SUMMARY OF ALLEGATION :**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/12/06 **DATE OF COMPLETION:** 08/30/07 **PAGE # 1 of 1**

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer failed to take an OCC complaint.

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/22/07    **DATE OF COMPLETION:** 08/14/07    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officers demeanor was aggressive and that the officer retaliated against the complainant by issuing him a citation when he pointed out the officers demeanor. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/07 **DATE OF COMPLETION:** 08/16/07 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

**SUMMARY OF ALLEGATION #2:** The officer used unnecessary force at the station.

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/07 **DATE OF COMPLETION:** 08/09/07 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant was detained after having been identified by the victim of a crime, which had occurred moments before in the area where the detention occurred. The officer had reasonable suspicion to detain the complaint.

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

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

**FINDINGS OF FACT:** The evidence is inconclusive as to the necessity for the force used by the officer. The officer and the complainant gave conflicting statements as to the sequence of actions that brought about the use of force. There were no witnesses.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/07 **DATE OF COMPLETION:** 08/09/07 **PAGE#** 2 of 2

**OCC ADDED ALLEGATION**

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

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

**FINDINGS OF FACT:** The evidence showed that the officer did enter the use of force into the log, albeit into the wrong page of the log.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/21/07      **DATE OF COMPLETION:** 08/02/07 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that as he was walking down a hallway in the Hall of Justice, he had a verbal interaction with a plainclothes officer who grabbed the complainant and pushed him up against a wall. The officer was asked for, and gave the complainant his star number, which the complainant wrote down. The complainant was unable to provide the officer's star number to the OCC. An Officer Identification Poll was sent to the San Francisco Police Department Investigations Bureau with a description of the officer, but the commanding officer of that unit was unable to identify the involved officer. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that as he was walking down a hallway in the Hall of Justice, he had a verbal interaction with a plainclothes officer who grabbed the complainant and pushed him up against a wall. This officer threatened to arrest the complainant, told the complainant to grab for the officer's gun and cursed at the complainant. The officer was asked for, and gave the complainant his star number, which the complainant wrote down. The complainant was unable to provide the officer's star number to the Office of Citizen Complaints. An Officer Identification Poll was sent to the San Francisco Police Department Investigations Bureau with a description of the officer, but the commanding officer of that unit was unable to identify the involved officer. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/04/07 **DATE OF COMPLETION:** 08/02/07 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to follow proper traffic stop procedures.

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

**FINDINGS OF FACT:** The complainant stated after the motorcycle officer took her driver's license, he left her at the scene without any explanation to pursue, stop, and issue a citation to a second motorist before returning to her. The officer denied the allegation and said he made two sequential traffic stops. The officer also stated he told the complainant he would be right back and after stopping the second motorist, first issued a citation to the complainant. Department trainers on the subject matter stated San Francisco Police Department officers are not trained and there is no formal policy on making simultaneous or sequential multiple vehicle traffic stops. Department trainers acknowledged vehicle pursuits could result from the lack of training and policy over the subject matter.

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The officers behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 6, 2007.

**SUMMARY OF ALLEGATION #2:** The officers failed to promptly and politely provide his name and star number upon request.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 6, 2007.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1-2:** The officers arrested the complainant's son without justification.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 21, 2007.

**SUMMARY OF ALLEGATION #3-4:** The officers failed to follow proper procedures concerning a juvenile.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 21, 2007.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/12/07 **DATE OF COMPLETION:** 08/23/07 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer utilized unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated that the officer used unnecessary force during a traffic stop. The complainant stated that the officer pulled him over for his failure to wear a seat belt. The complainant stated he did not have his driver's license on his person when the officer pulled him over. The officer ordered him out of the vehicle. The complainant admitted not obeying the officer's order to step out of the vehicle. The complainant stated he sought to remove a document from his glove box. The officer denied the allegation, stating that the complainant's act of reaching for the glove box was a threat to his safety. The officer had no safe option but to grab hold of the complainant and physically remove him from the vehicle. The complainant admitted he resisted the officer's attempt to remove him from the vehicle. 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 complainant stated that the officer arrested and had him transported to a police station without cause. The complainant admitted failing to wear his seatbelt as well as failing to carry his driver's license as he operated his vehicle. The complainant provided conflicting accounts to the OCC regarding his proof of insurance. The complainant admitted resisting the officer's lawful order to exit the vehicle. The officer denied the allegation, stating he had probable cause to pull the complainant over when he observed him not wearing his seatbelt. He stated that the complainant was profane and resisted arrest. When the complainant did not have his license in his possession, another citable offense, the officer stated he then requested proof of insurance. The officer said the complainant did not have his proof of insurance. The officer ordered the complainant out of the vehicle due to the complainant's profanity and verbosity. The officer said the complainant made a furtive move to the glove box and did not obey his order to exit the vehicle. With the obscenities, the non-cooperation and the move to the glove box, the complainant's conduct gave the officer cause to remove the complainant from the vehicle and transport him to the police station for further investigation. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/12/07 **DATE OF COMPLETION:** 08/23/07 **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer made an inappropriate remark.

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

**FINDINGS OF FACT:** The complainant alleged that the officer told him to “go to hell” as he was cited out of the local police station. The officer denied the allegation. No witnesses came forward. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer failed to take required action under the Department General Orders.

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

**FINDINGS OF FACT:** The complainant alleged the officer failed to properly secure his vehicle, stating he found his vehicle unlocked and lost his cell phone upon his return to his parked vehicle. The officer denied the allegation, stating he rolled up the windows, secured and locked the vehicle. No witnesses came forward. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The complainant said the officer posted a three days warning notice on his recreational vehicle in retaliation over a lawsuit filed by the complainant naming the officer. The officer stated he posted the warning notice on the complainant's vehicle for being in violation of section 37A of the San Francisco Traffic Code rather than the lawsuit filed. Photographic evidence submitted by the complainant of other vehicles in the area was inconclusive as to the allegation of selective enforcement. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant said the supervising officer neglected his duties for his unwillingness to stop the enforcement actions of a subordinate officer. The complainant said he filed a lawsuit naming the subordinate officer. The supervising officer stated he spoke with the complainant and his subordinate officer; however, he recalled no discussion about a recreational vehicle. The supervising officer instead recalled having a conversation about a citation, which the complainant wanted him to take back, and his decision he would not do so. The supervising officer also recalled an unusual request by the complainant to have the subordinate officer arrested under a citizen's arrest. The subordinate officer verified his superior immediately questioned him about this encounter and then gave him directives on how to take necessary enforcement actions with respect to all vehicles in the district. The evidence established the complainant's lawsuit was dismissed in Federal District Court in favor of the City. The supervising officer's actions were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/14/07 **DATE OF COMPLETION:** 08/16/07 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 9, 2007.

**SUMMARY OF ALLEGATION #2-3:** The officers cited the complainant without cause.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 9, 2007.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/14/07 **DATE OF COMPLETION:** 08/16/07 **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 9, 2007.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/18/07 **DATE OF COMPLETION:** 08/31/07 **PAGE # 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 07/17/06    **DATE OF COMPLETION:** 08/23/07    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant and a witness friend said they did not have any proof of residency to show the officer, who sided with the manager in denying them access to an apartment. A manager said the complainant was not on the lease agreement and was using the apartment for illicit purposes. The officer and his partner stated based on their limited recollection and entries on CAD that the manager asked them to escort the complainant out of the building. The preponderance of the evidence established the officer's actions were lawful and proper.

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

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

**FINDINGS OF FACT:** The preponderance of the evidence established that the complainant lacked proof of residence, was not on the lease of the unit in question, and therefore the officer's request to leave the premises at the request of the manager was lawful and proper.

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**DATE OF COMPLAINT:** 07/17/06      **DATE OF COMPLETION:** 08/23/07      **PAGE# 2 of 4**

**SUMMARY OF ALLEGATIONS #3:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation. A witness on scene verified the allegation, but could not identify the officer who push the complainant. A second witness on scene denied being a witness; whereas, a third witness did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #4:** The officer used profane language.

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

**FINDINGS OF FACT:** . The officer and his partner denied the allegation. A witness on scene could not verify or deny the allegation. A second witness on scene denied being a witness; whereas, a third witness did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #5:** The officer used a sexually derogatory remark.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation. A witness on scene could not verify or deny the allegation. A second witness on scene denied being a witness; whereas, a third witness did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #6:** The officer failed to promptly provide his name and star number.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation. A witness on scene verified the allegation. A second witness on scene denied being a witness; whereas, a third witness did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 07/17/06    **DATE OF COMPLETION:** 08/23/07    **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #7:** The officer made inappropriate comments.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation. A witness on scene could not verify or deny the allegation. A second witness on scene denied being a witness; whereas, a third witness did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/20/07    **DATE OF COMPLETION:** 08/27/07    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer misused police authority.

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

**FINDINGS OF FACT:** The complainant, a shopkeeper, stated she was in an argument with the mother of a customer when the customer called someone and asked him to come to the complainant's shop. A few minutes later, the officer arrived. The complainant's adult son stated that the officer tried to calm the customer's mother and the complainant. The complainant's son stated the officer "sidestepped" the complainant's request that the mother be removed from the store. The officer stated he was on duty, taking a dinner break, when he spotted the customer, an acquaintance, standing in a shop doorway. He called her on his cell phone. The customer asked for the officer's assistance at the shop. The officer responded to the shop where he observed a heated verbal argument between the complainant and the customer's mother. The officer stated he asked the customer to remove her mother from the shop but that did not occur. The officer stated after three or four minutes, he removed the customer and her mother from the shop. Department General Order 2.01 states that it is the duty of officers to "preserve the peace." The officer's conduct was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/28/07 **DATE OF COMPLETION:** 08/22/07 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1-2:** The officers were discourteous to the complainant.

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

**FINDINGS OF FACT:** The complainant stated she went to General Works to complain about the handling of an assault case in which she was the victim. The complainant said she was “freaking out” and “not thinking or acting straight” when a male officer allegedly put his finger in her face when she told the officer to “Stand down.” The complainant also alleged that a female officer told her to “Get the hell out” of the office. The male officer stated that the complainant would not stop yelling and he held up his palm in a “stop” gesture. He stated the complainant then began screaming, “Stand down!” The female officer stated the complainant would not stop yelling at the male officer and was shaking her cane at him in a threatening manner. The female officer stated the male officer asked the complainant to leave but she refused. The female officer stated she told the complainant she needed to leave and come back after she calmed down. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/28/07 **DATE OF COMPLETION:** 08/09/07 **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer hung up the telephone on the complainant.

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

**FINDINGS OF FACT:** The officer stated the complainant routinely calls him from Nevada regarding rental property the complainant owns in San Francisco. The officer stated he has assisted the complainant on many occasions and denied hanging up on the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/28/07 **DATE OF COMPLETION:** 08/09/07 PAGE# 1 of 1

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

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

**FINDINGS OF FACT:** The officer stated she detained the complainant after the complainant threw a bottle of water at the officer's moving vehicle. The complainant stated she threw the bottle but it was intended for the vehicle in front of the officer. The officer's actions were proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer pushed her then placed her on the ground by pulling her hair back. The complainant stated she was not injured. The officer stated the complainant cursed at the officer, attempted to leave the scene, and refused to comply with any of the officer's orders. The officer stated she employed a Department-approved physical control (hair pull take-down) to handcuff the complainant and keep her from fleeing the scene. Five officers responded to the scene after the complainant was in custody. Four of those officers stated the complainant was uncooperative and rude, and yelling at the officer. The fifth officer stated he was trying to keep the complainant's friends away from the detaining officer. None of the complainant's witnesses responded to contact attempts. There was no additional evidence to further prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officers failed to provide her with information she requested regarding the other party to the incident. The officers stated the complainant did not request such information. There were no witnesses to the contact. There is insufficient information 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:** 07/06/07 **DATE OF COMPLETION:** 08/20/07 **PAGE #** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer used a threatening manner.

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

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

**SUMMARY OF ALLEGATION #2:** The officer had a rude attitude or demeanor.

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

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

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

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

**FINDINGS OF FACT:** The officer could not be identified by the complainant or through the investigative process.

**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 stated he was waiting for his client at the airport. The complainant stated an officer issued a citation to him for parking at the yellow zone curbside area. The complainant stated he was not at the yellow zone area but was parked at the designated limousine area for pick-ups. The officer stated the complainant was parked at the limousine area and was waiting for clients. The witness stated the complainant's vehicle was at the curbside waiting area but was not exactly sure where the vehicle was parked. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer issued a citation 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 stopped the complainant without justification.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 7, 2007.

**SUMMARY OF ALLEGATION #2:** The officer used rude and uncivil language.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 7, 2007.

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**SUMMARY OF ALLEGATION #1-2:** The officers used excessive force at the scene.

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

**FINDINGS OF FACT:** The complainant said she was being escorted to the wagon and was being pushed, pulled by the hair and grabbed by the back of her neck. The complainant said that as a result of the force used she sustained a strained neck, bruises on back arms, neck, tailbone and wrists. The officers denied the allegation. The complainant admitted to resisting and three witnesses corroborated that the complainant was intoxicated and that the officers did not use excessive force at the scene. The credibility of another witness is questionable as she may have also been intoxicated. The medical records also document that the complainant was combative inside the van prior to entering the jail. By a preponderance of the evidence, the force used by the officers was not excessive but proportionate to overcome the complainant admitted resistance.

**SUMMARY OF ALLEGATION #3:** The officer employed tight handcuffs on the complainant.

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

**FINDINGS OF FACT:** The complainant said the officer immediately handcuffed her tight and was being rough with her. The officers denied the allegation. Three witnesses did not see when the complainant was handcuffed. One witness said the officer handcuffed the complainant and did not observe any abuse by the officers and stated that she was aggressive. The jail medical records indicated that the complainant was extremely combative in the back of the van prior to coming into the facility, she was screaming, banging inside the van, rocking back and forth and had bruises in her arms and abrasion on middle of back like something scraped her. The injuries the complainant sustained were more than likely due to her resistance. Per preponderance of the evidence, the officer did not employ tight handcuffs.

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**SUMMARY OF ALLEGATION #4-5:** The officer arrested the complainant without justification.

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

**FINDINGS OF FACT:** The complainant said the officers arrested her for being drunk in public. The complainant said that she had drank one shot of Hennessy. The complainant said she was not intoxicated. The officers denied the allegation. Three witnesses stated the complainant was intoxicated. By preponderance of evidence, it is more likely than not that the complainant was drunk in public.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer used profanity.

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

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

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

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

**FINDINGS OF FACT:** The officer denied the allegation. There were no witnesses to the contact. There is insufficient evidence to either 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 admitted he was unlawfully soliciting passengers at SFO. The officer stated he was dispatched to the scene regarding a solicitation complaint. The officer observed the complainant soliciting potential passengers while wearing a home made identification badge signifying he was an official airport employee, which he was not. The officer stated he has had prior contacts and knowledge of the complainant as an unlicensed limousine driver. The officer stated he detained the complainant and investigated the matter. The officer confiscated the homemade badge and wrote an incident report on the matter. The evidence showed the alleged conduct occurred, however the conduct was proper and lawful pursuant to department procedure and state law.

**SUMMARY OF ALLEGATION #4:** The officer harassed the complainant due to bias.

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

**FINDINGS OF FACT:** The evidence showed the officer had reasonable cause to contact the complainant to determine whether the complainant's actions and reason for being at the airport were proper. The officer submitted material revealing the complainant to be unlicensed through the CPUC and of the complainant's multiple prior contacts with the San Francisco Polices Department at SFO for similar contacts since the early 2000's. The complainant submitted no evidence that the officer was harassing him based on any type of bias. The evidence proved the alleged act did not occur.

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**SUMMARY OF ALLEGATION #5:** The officers' behavior and comments were inappropriate.

**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 either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated she was referred by an ECD dispatcher to Teleserve in order to file her report as a victim of identity theft. The complainant stated that after speaking with a civilian, she requested to speak with a supervisor, who was rude, offensive, and not professional in dealing with her request to file the report. The officer denied the allegation and stated there were no witnesses to their telephone conversation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that after some unknown individuals attacked his girlfriend, police arrived and arrested him without cause. The named officers stated that they arrested the complainant after his girlfriend, who was bleeding from the face, told them that the complainant assaulted her. Photographs of the complainant's girlfriend confirmed the extent of her injuries. The evidence proved that the action complained of was proper.

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

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

**FINDINGS OF FACT:** The complainant stated that after some unknown individuals attacked his girlfriend, police arrived and arrested and handcuffed him without cause. The named officer and his partner stated that they arrested and handcuffed the complainant after his girlfriend, who was bleeding from the face, told them that the complainant assaulted her. Photographs of the complainant's girlfriend confirmed the extent of her injuries. The evidence proved that the action complained of was proper.

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**SUMMARY OF ALLEGATION # 4 & 5:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that after some unknown individuals attacked his girlfriend, police arrived and detained him without justification. The named officers stated that they detained and arrested the complainant after his girlfriend, who was bleeding from the face, told them that the complainant assaulted her. Photographs of the complainant's girlfriend confirmed the extent of her injuries. The evidence proved that the action complained of was proper.

**SUMMARY OF ALLEGATION # 6:** The officer used unnecessary force on the complainant during the arrest.

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

**FINDINGS OF FACT:** The complainant stated that after some unknown individuals attacked his girlfriend, police arrived and arrested him without cause. The complainant stated that after he was handcuffed, officers used unnecessary force upon him. The officers involved in the complainant's arrest and transport denied that unnecessary force was used on the complainant, and described several violent actions by the complainant, including kicking the door of the police car with great force, thrashing and kicking his legs, starting a fire in the back of a police wagon and spitting at several officers. The complainant told jail medical personnel that he had consumed crack cocaine and amphetamines prior to his arrest. The OCC was unable to contact and interview complainant's girlfriend. There is insufficient evidence to identify a specific officer or to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #7:** The officer twisted the complainant's handcuffs.

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

**FINDINGS OF FACT:** The complainant stated that after some unknown individuals attacked his girlfriend, police arrived and arrested and handcuffed him. The complainant stated that an unknown officer twisted the handcuffs. The officers involved in the complainant's arrest and transport denied that anyone twisted or tightened the complainant's handcuffs, and described several violent actions by the complainant, including kicking the door of the police car with great force, thrashing and kicking his legs, starting a fire in the back of a police wagon and spitting at several officers. The complainant told jail medical personnel that he had consumed crack cocaine and amphetamines prior to his arrest. The OCC was unable to contact and interview complainant's girlfriend. There is insufficient evidence to identify a specific officer or to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #8:** The officer failed to provide medical treatment to the complainant.

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

**FINDINGS OF FACT:** The complainant stated that he told officers who arrested and used unnecessary force upon him that he was in pain and requested medical attention, but that they failed to provide it. The officers involved in the complainant's arrest and transport denied the complainant complained of pain or of an injury. The officers described several violent actions by the complainant, including kicking the door of the police car with great force, thrashing and kicking his legs, starting a fire in the back of a police wagon and spitting at several officers. The officers stated the complainant was transported directly to the county jail where he continued to resist and was placed in a safety cell. The complainant told jail medical personnel that he had consumed crack cocaine and amphetamines prior to his arrest. The OCC was unable to contact and interview complainant's girlfriend. There is insufficient evidence to identify a specific officer or to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant said several officers used excessive force during his arrest. The evidence established there was only one S.F.P.D. officer involved in his arrest who denied the allegation. Other witnesses on scene denied the allegation and stated the complainant sustained no visible injuries during his apprehension. Medical and station records indicate the complainant sustained facial, arms, and leg abrasions, as well as a chest contusion after his booking at the police station. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer should not have accepted the citizen's arrest from the landlord and looked further into the allegation as he was a trespasser. The preponderance of the evidence established the complainant was trespassing and was arrested based on a lawful citizen's arrest. The officer's actions were lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant said an unidentified officer possibly one of the transporting officers to the police station applied the handcuffs to a railing so tight that it abraded his wrists. The complainant was handcuffed at the station only to one wrist; however, both of his wrists were documented as abraded. One officer denied the allegation; whereas, the other officer is not available for questioning. Other officers involved in transporting the complainant to County Jail stated the complainant's handcuffs were double-locked but he may have injured himself inside the patrol wagon while trying to escape from the restraints. There is insufficient evidence to make a conclusive finding as to the cause of the abraded wrists.

**SUMMARY OF ALLEGATION #4:** The officers used excessive force while in custody.

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

**FINDINGS OF FACT:** This complainant raises matters outside the OCC's jurisdiction, and has been referred to: San Francisco Sheriff's Department  
Investigative Services Unit- Lt. Allen Kennedy  
25 Van Ness Avenue, Suite 350  
San Francisco, CA 94103  
(415)554-2380

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/10/06   **DATE OF COMPLETION:** 08/14/07   **PAGE#** 3 of 3

**OCC Added Allegation:**

**SUMMARY OF ALLEGATION #1-2:** The officers failed to report and document the use of force.

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

**FINDINGS OF FACT:** The complainant said he sustained injuries to his face, arms, legs, and chest due to the force used by several officers of the S.F.P.D. during his arrest and while in their custody. The evidence established the complainant was injured sometime after his booking at the police station, likely while in transport to County Jail. The officers involved in placing the complainant into the wagon and transporting him to County Jail stated the complainant injured himself while inside the wagon. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3:** The officer failed to report and document the use of force.

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

**FINDINGS OF FACT:** The officer is not available for questioning.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/20/07    **DATE OF COMPLETION:** 08/14/07    **PAGE#** 1 of 1

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

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

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

University of California San Francisco  
Police Department  
500 Parnassus Ave, Room G-18  
San Francisco, CA 94143-0238

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/14/06    **DATE OF COMPLETION:** 08/14/07    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1-4:** The officers used excessive force upon the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officers used excessive force during the incident. The officers stated the complainant was not cooperative and refused to exit the vehicle. The officers stated they pulled the complainant out of the vehicle. The witness did not see the use of force by the other officers on the complainant. There is insufficient evidence to prove or disprove the allegations made in the complaint. Records show the complainant's vehicle was involved in multiple collisions prior to the end of the pursuit. There were no other witnesses.

**SUMMARY OF ALLEGATION #5:** The officers made a racially derogatory comment at the complainant.

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

**FINDINGS OF FACT:** The complainant stated unknown officers made a derogatory comment toward him. The complainant stated he did not know which officers made that comment during the contact at the scene. The officers stated they made no racially derogatory remark nor heard of any made against the complainant. The witness stated he was preoccupied with his contact with the officers at the scene and did not hear the alleged comment. There is insufficient evidence to prove or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/06 **DATE OF COMPLETION:** 08/27/07 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the officers cited him for jay-walking. The complainant admitted that he crossed the street outside the crosswalk. The evidence established that the action complained of was proper.

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

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

**FINDINGS OF FACT:** The complainant stated that after he crossed the street outside the sidewalk, the officer detained him and asked for his identification. When the complainant refused to provide it, the officer told the complainant that he was under arrest and instructed him to place his hands behind his back, which the complainant did. The complainant said the officer grabbed him and pulled him to the ground. One of the complainant's companions said he saw one of the officers place his hand on the complainant's shoulder and pushed down to make the complainant sit on the curb. When the complainant was close to the curb, he lost his balance and toppled over onto the ground. This companion refused to provide contact information for another witness, who was present at the scene, but agreed to forward a message asking the witness to call the OCC. The witness never contacted the OCC. The named officer and his partner denied using any force on the complainant. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/06 **DATE OF COMPLETION:** 08/27/07 **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION # 3:** The officer searched the complainant without cause and conducted a search beyond the scope of authority.

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

**FINDINGS OF FACT:** The complainant stated that after he crossed the street outside the sidewalk, the officer detained him and asked for his identification. When the complainant refused to provide it, the officer told the complainant that he was under arrest and instructed him to place his hands behind his back, which the complainant did. The complainant said the officer grabbed him and shoved his hands into the complainant's pockets. One of the complainant's companions said he saw one of the officers place his hand on the complainant's shoulder, and saw this officer pat down the complainant, but did not see the officer reach into the complainant's pocket. This companion refused to provide contact information for another witness, who was present at the scene, but agreed to forward a message asking the witness to call the OCC. The companion's witness never contacted the OCC. The named officer stated that due to the complainant's agitated demeanor, he conducted a pat-search for weapons but denied reaching into the complainant's pockets. The named officer's partner confirmed his account of the incident. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to provide his name and star number when requested. One of the complainant's companions said he and the complainant asked the officers for his names and star number. The complainant's companion said the officer, who was standing one foot away, responded that that they could read it on his chest. This companion refused to provide contact information for another witness, who was present at the scene, but agreed to forward a message to the witness to call the OCC. The witness never contacted the OCC. The named officer stated that he provided his name and star number when the complainant asked for it, and also informed the complainant that his name and star number were on the citation. The named officer's partner stated that he gave the complainant his and his partner's names and star numbers. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/27/07    **DATE OF COMPLETION:** 08/09/07    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant raises matters outside of OCC jurisdiction. The complaint to be referred to: SFPD Management Control

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/16/06 **DATE OF COMPLETION:** 08/22/07 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officers arrested the complainant's son without cause.

**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:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/27/07    **DATE OF COMPLETION:** 08/16/07    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer drove in a negligent manner.

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

**FINDINGS OF FACT:** The complainant stated the officer drove in a negligent and dangerous manner. the complainant was unable to identify the officer. The investigation was unable to disclose the identity of the officer.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant stated that he was sitting in his mother's car in a parking lot when he was detained. Department records show that the Emergency Communications Department received a call of a suspicious person walking around the parking lot. The complainant was detained for investigation. 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 #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/12/05 **DATE OF COMPLETION:** 08/21/07 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1-4:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** All the police witnesses disavowed any knowledge of inappropriate conduct and comments, and the complainants did not corroborate each other's allegations. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5-6:** The officers failed to take an O.C.C. complaint.

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

**FINDINGS OF FACT:** The officers stated they focused on taking statements for the Incident Report [and did not hear the words "I want to make an O.C.C. complaint"], so no O.C.C. complaint was taken or referred to a higher authority. There were no witnesses to the complainants' contact with the officers. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/12/05    **DATE OF COMPLETION:** 08/21/07    **PAGE# 2 of 3**

**SUMMARY OF ALLEGATION #7:** The officer drove improperly

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

**FINDINGS OF FACT:** The complainants did not corroborate each other in this allegation. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #8:** The officer used profanity when speaking with one of the complainants.

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

**FINDINGS OF FACT:** There were no witnesses to the conversation between the complainant and the officer. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/12/05 **DATE OF COMPLETION:** 08/21/07 **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The officer did not have reasonable suspicion that a crime was committed to detain the complainant, and in fact detained the complainant for personal reasons not related to a lawful police purpose. A preponderance of the evidence proved that the conduct complained of did occur and, using the standard applicable regulations of the Department, the conduct was improper.

**SUMMARY OF ALLEGATION #10:** The officer used unnecessary force to accomplish the detention of the complainant.

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

**FINDINGS OF FACT:** The officer used force that was neither necessary or proper to detain the complainant. A preponderance of the evidence proved that the conduct complained of did occur and, using the standard applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The complainant received a traffic citation without cause.

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

**FINDINGS OF FACT:** The complainant was cited for not signaling and for no registration. The vehicle's turn indicator did not work, as the complainant discovered after the citation was given and he admitted, which gave probable cause for the officer to cite the complainant. The complainant stated that the officer asked to see the rental contract, and he showed it to the officer. The witness stated that the officer asked to see the rental contract for the car after complainant stated it was a rental, but they did not have the contract with them to show the officer, prompting him to write the citation for no registration; the witness' statement is not self-serving and therefore more credible. The officer had probable cause to write the citations for both violations, and this citation is therefore proper conduct. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/09/07 **DATE OF COMPLETION:** 08/14/07 **PAGE#** 1 of 1

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

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

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

Lt. Al Kennedy  
SF Sheriff's Office  
Internal Affairs  
25 Van Ness  
San Francisco, CA

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/29/06    **DATE OF COMPLETION:** 08/03/07    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer violated a person's right to counsel.

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

**FINDINGS OF FACT:** The complainant alleged the officer violated attorney client privilege regarding the Sixth Amendment right to counsel. The officer denied the allegation stating there is no violation, nothing improper, or unwarranted about questioning a defendant who either has or has not waived his Miranda right and/or has retained counsel. The officer admitted he knew the defendant had been charged, arraigned and had an attorney. The witness stated the same officer that arrested him came to his residence and asked him questions about his pending criminal case, after the attorney/clients privilege attached. The witness officer said he was present when the named officer asked the defendant a question about his pending criminal case.

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:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/13/07 **DATE OF COMPLETION:** 08/18/07 **PAGE# 1 of 1**

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/06/06 **DATE OF COMPLETION:** 08/17/07 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The officer denied the allegation stating, he went to the complainant's residence to investigate and determine if the residents had knowledge of a wanted suspect involved in a series of armed robberies. The officer stated a Taraval officer had seen the wanted suspect in the complainant's vehicle some time prior to the incident. A witness officer corroborated the complainant's vehicle information had been received from an officer in the Taraval district. The complainant and two witnesses corroborated that the officer approached them and explained the reason for the investigation. The contact did not classify as a seizure or detention. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #2:** The officer entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating he approached the complainant's already opened door, identified himself, and explained the reason for their presence. The officer stated he asked the complainant for permission to enter her home and the complainant granted permission. One of the witness officers corroborated the complainant gave consent to enter her residence. The complainant admitted she allowed the officers into her home. The complainant said when the officer asked if they could come in, she replied, "Sure." The complainant further stated she wasn't hiding anything and allowed the officers into her residence. Such consent would be invalid if gained under duress, or coercion, or involuntary. The complainant stated the officers displayed their firearms in an intimidating manner. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/06/06 **DATE OF COMPLETION:** 08/17/07 **PAGE# 2 of 3**

**SUMMARY OF ALLEGATION #3:** The officer instructed officers to search a residence without cause.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating he explained the reason for their presence and if they could look in her home. The officer said the complainant consented and allowed the search of her residence, including her daughter's room. Two witness officers corroborated they searched the complainant's home. The complainant said she allowed the officers to check her house. The complainant said she figured they would search her home and made no attempt to protest or stop the search. The complainant acknowledged she stayed out of their way and let them complete the search. 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 #4-7:** The officers displayed their weapons without justification.

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

**FINDINGS OF FACT:** The officers denied the allegation, stating they exhibited their firearms based on their knowledge that the wanted suspect had used an assault rifle during the commission of a jewelry store armed robbery. The officer-in-charge corroborated he briefed the officers on responding to the complainant's home for an armed suspect. Two of the named officers stated they maintained their rifles in a "low-ready" position and never pointed their rifles at anyone in the residence. The other two officers were armed with rifles, and entered the complainant's home at the conclusion of the search. The complainant stated the officers pointed their weapons straight, rather than directly at her or the kids. One witness said the officers had guns drawn even with children present. The other witness stated the officers were armed with machine guns or assault rifles. Based on the facts of the known armed suspect, the officers were justified in exhibiting their weapons for officer-safety precautions. The witness accounts are varied to the interpretations of the manner in which the officer's weapons were displayed. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/06/06    **DATE OF COMPLETION:** 08/17/07    **PAGE#** 3 of 3

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to follow proper procedures as detailed in Department General Order 5.14-Interagency Operations.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating he received a waiver from DGO 5.14 from a former Deputy Chief approximately 4 ½ years ago. The officer said it is not necessary that he seek approval from a current Deputy Chief when working with interagencies. The named member's current supervisor corroborated that the officer received a waiver from a past Deputy Chief approximately 4½ years ago and is not required to get approval from a Deputy Chief when working with interagencies. The commanding officer confirmed that the named member is constantly interacting with local, state and federal law enforcement authorities throughout the country on a daily basis. The evidence proved that the act by the member was justified by Departmental policy, procedure, or regulation; however, the OCC recommends a change in the particular policy, procedure or regulation.

**SUMMARY OF OCC ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/10/07      **DATE OF COMPLETION:** 08/17/07      **PAGE# 1 of 1**

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/06    **DATE OF COMPLETION:** 08/14/07    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-3:** The officers misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated the officers misrepresented the truth about his backpack being not on him. The complainant stated his backpack was near him as he was standing on the sidewalk. One of the officers stated the backpack was not on the complainant but was next to him. The other officers stated they did not have any contact with the complainant and was not aware of the location of the complainant's backpack. The witness did not provide a statement to date. There is insufficient evidence to prove or disprove the allegations made in 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:** 08/22/07 **DATE OF COMPLETION:** 08/24/07 **PAGE # 1 of 1**

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

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

**FINDINGS OF FACT:** This allegation raises matters outside OCC's jurisdiction. This allegation has been referred to the San Francisco Sheriff's Department.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/28/07 **DATE OF COMPLETION:** 08/29/07 **PAGE # 1 of 1**

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

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

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

Department of Parking & Traffic  
Citation Review Board  
11 South Van Ness Avenue  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/06 **DATE OF COMPLETION:** 08/09/07 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said the officer detained her for psychiatric evaluation under §5150 W&IC, even though she told the officer that she was fine and not contemplating suicide and did not have a mental illness. The co-complainant corroborated that the complainant was not suffering from mental illness nor contemplating suicide. One witness stated he believed the complainant was going to jump because it is unusual to see a person with tiptoes at the edge of a roof. The complainant's medical records document that SFGH determined that the complainant did not meet the §5150 W&IC criteria and released her. The officer stated that, §5150 W&IC, in order to detain a person under who reportedly was acting in a possibly suicidal manner, it was not necessary for the officer to believe that the person's reported behavior was caused by a mental disorder. The statute and Department General Orders require that the officer have such probable cause. The detention was unwarranted.

**SUMMARY OF ALLEGATION #2-3:** For entering the complainant's apartment without cause.

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

**FINDINGS OF FACT:** The complainants said the officers entered their apartment without permission or a warrant. The officers denied the allegation. Per case law, officers are able to make entries when there is an exigent circumstance and in this case they were trying to determine the mental status of the complainant who they did not know if she was attempting suicide or had a mental illness.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/06    **DATE OF COMPLETION:** 08/09/07    **PAGE # 2 of 2**

**SUMMARY OF ALLEGATION #4:** The officer exhibited inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant said the officer referred to her as a male and had an argument with the officer as to being transgender. The complainant also said the officer did not allow her to bring personal belongings. The officer denied the allegation. The officer said that as he was escorting the complainant he was going to go with her to the apartment to gather belongings but the complainant refused to allow him inside with her. The officer said that posed a safety issue so he took her without having gathered belongings. There were no witnesses to this portion of incident. 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:** 10/04/06 **DATE OF COMPLETION:** 08/15/07 **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:**The officer made an arrest without cause.

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

**FINDINGS OF FACT:** The officer said the arrestee was arrested because he sold him marijuana in violation of 11360 H&S. None of the complainants were at the scene of the arrest. The arrestee did not respond to the OCC's request for an interview. There were no other known witnesses. There is no evidence that the named member lacked probable cause to make the arrest in question.

**SUMMARY OF ALLEGATION #2:** Policy failure for enforcement of marijuana laws contrary to the California Compassionate Use Act.

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

**FINDINGS OF FACT:** There is no evidence presented by the complainant to indicate that the department has failed to comply with the California Compassionate Use Act.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/12/06 **DATE OF COMPLETION:** 08/27/07 **PAGE # 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that on two different occasions, the named officer harassed him to make a statement and refused to tell the complainant the nature of the named member's investigation. The named officer denied the allegation. One witness, who said he was with the complainant on the first occasion, said that he recalled the named officer approaching once and asking for a statement. That witness said the officer accepted without argument the witness's recommendation that the complainant not make a statement. Another witness, who acknowledged he was with the complainant on the second occasion, declined to be interviewed by the OCC. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant said that police officers appeared outside his business and surveilled and followed him and made inappropriate comments when he asked them what they were doing. The complainant could not identify the officers. The officers interviewed by the OCC did not know of any officers who surveilled or followed the complainant. No other witnesses came forward. There is insufficient evidence to identify the officers involved, or to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer ordered him to cease all communication and contact with people he needed to speak to in order to conduct business. The named officer denied the allegation, explaining that he told the complainant that he should stop making threatening phone calls and sending harassing electronic messages. The two people who were with the named officer when he made the phone call did not recall what he said. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officers were conducting an investigation into the physical abuse of a minor. During the initial stages of the investigation the officers encountered the complainant who according to the officers were smelling like alcohol, was belligerent and aggressive waving his arms around at them. The officers stated the complainant was handcuffed and detained in the patrol car while they conducted their investigation. The officers had the authority to detain the complainant per DGO 5.03 Investigative Detentions.

**SUMMARY OF ALLEGATION #3-4:** The officers exhibited inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that his wife and daughter told him that the officers accused his wife of lying and faking her illness, made inappropriate comments and went through his mail. The officers denied the allegation. One officer said that she looked at a letter from Child Protective Services which was in plain view and relevant for this investigation. One witness corroborated the complainant's version. Another witness could not speak due to an illness. The witness officers did not recall what the officers did while inside the house. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer used excessive force against the complainant.

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

**FINDINGS OF FACT:** The complainant said the officer told him he was free to go, but he wanted an explanation before exiting the patrol car. The complainant said the officer grabbed his legs and pulled him and made him hit his head on the car injuring his neck. The complainant said his neck snapped and that he was in pain. The officer denied the allegation. One witness corroborated the complainant's version. The medical records and paramedic records indicate the complainant has a history of neck and back spasms. The paramedic record documents that the complainant said his neck and back spasms was aggravated while trying to get out of the police car. It also documents that the complainant suffered no trauma and that he had used alcohol. The hospital records document that the complainant neck and back shoulder spasm was aggravated while trying to get out of the police car. The medical records do not document that the officer used force against the complainant. The complainant admitted that he pulled back as he was refusing to get out of the car while the officer pulled his legs toward the door of the patrol car. There were no other witnesses. There is insufficient evidence to prove or disprove that the officer used excessive force.

**SUMMARY OF ALLEGATION #6:** The officer failed to provide the complainant with a Certificate of Release.

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

**FINDINGS OF FACT:** The complainant stated that he was given no paperwork. The officers said that a copy of the Certificate of Release was placed into one of the complainant's pockets because he did not want to accept the form. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainants stated that the officer ordered them from a park without a valid reason. The complainants admitted to the OCC they were drinking alcoholic beverages in the park. Under the SF Park Code (Sec 4.11), the officer had a lawful reason for ordering them out of the park. The evidence proved that the acts which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

**FINDINGS OF FACT:**

The complainants stated that the officer used profanity when addressing them. The witnesses interviewed stated that they heard a part of the exchange between the officer and the complainants and did not overhear any profanity in the portion of the discussion occurring in the public portion of the contact. However, one of the witnesses also stated that the public was kept away from the complainants when they were taken into custody and did not witness the entire contact between the officer and the complainants. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer used a racially derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated that the officer used a racially derogatory comment. The officer denied the allegation. The witnesses did not see or hear the entire contact and were kept away while the complainant was taken into custody. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4-6:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that an officer told her to “get her ass” up. The witnesses were not allowed to approach the area where the complainant was taken down and could not overhear this portion of the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer arrested her without cause. The witnesses stated otherwise, noting that the complainant was drinking alcohol in a public park. Two of the three witnesses stated that the complainant refused to leave when ordered by the officer and became loud or belligerent. Three witnesses interviewed by the OCC observed the complainant push the officer. The officer denied the allegation, stating that he had verbally ordered the complainant to leave first before resorting to additional enforcement measures. The evidence proved that the acts which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer arrested him without cause. The witnesses stated otherwise, noting that the co-complainant was drinking alcohol in a public park. Two of the three witnesses stated that the co-complainant refused to leave when ordered to do so by the officer. One of the witnesses stated that he observed the co-complainant say he would fight the officer for a given sum of money. The witnesses said that the co-complainant was loud or belligerent and did not wish to leave the park. The evidence proved that the acts which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

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**SUMMARY OF ALLEGATIONS #9:** The officer used unnecessary force on the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officer used unnecessary force on her, tackling her to the ground. The complainant stated that she sustained fractured ribs as a result and she was only able to get up with assistance. The officer denied the allegation, stating that he only used force necessary to take her into custody. He stated that she ran towards him and blocked his path, telling him to stay away and not get involved. One of the witnesses stated that the officer removed his baton and dropped her with a baton strike. The complainant did not state that the officer used a baton. Another witness stated that the officer tackled her. The third witness did not see the takedown. The use of force log filled out by the officer notes that he utilized physical control, not a baton strike to subdue the complainant. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #10-12:** The officers used unnecessary force during the arrest of the co-complainant.

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

**FINDINGS OF FACT:** The co-complainant stated that he was “roughed up” by the officers when he was taken into custody and at the station. The officers denied the allegation. The witnesses were not allowed to approach the area where the complainants were taken into custody and did not see this portion of the incident. There were no witnesses at the police station. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #13-15:** The officers searched the complainants without cause.

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

**FINDINGS OF FACT:** The complainants stated that the officers searched the complainants without cause. One of the officers denied the allegation, stating that he performed a search of the complainant incident to the arrest. The other officers stated that they could not recall if they performed a search of the complainant. One of the witnesses recalled that both of the backup officers removed the complainant's coat and performed a search. The evidence proved that the acts which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #16-18:** The officers failed to properly process and secure the complainants' property.

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

**FINDINGS OF FACT:** The complainant stated that the officers did not properly process the contents of her shopping cart. One of the witnesses saw the complainant going to a cart early in the incident. The officers denied seeing or being alerted to a cart. The other witnesses did not report seeing the complainant with a cart. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #1:** The officer made inappropriate and threatening comments and behavior towards the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating he did not threaten to beat the complainant at the station. Both witnesses denied hearing the officer make any such statement to the complainant. One of the witness officers said the officer was polite and professional, while the complainant was combative and angry. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer used unnecessary force at the station.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating he did not use any force against the complainant at the arrest scene or at the station. The witness officer corroborated the named officer neither grabbed, threw, nor kicked the complainant.

The complainant never supplied the requested medical information to OCC as additional evidence. There was evidence to indicate some of the complainant's abrasions and scrapes were old injuries. The OCC was unable to determine when the injuries occurred, due to the complainant's recent prior arrest and lack of medical information.

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**SUMMARY OF ALLEGATION #3:** The officer used unnecessary force with tight handcuffs on the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating he makes it a practice to double-lock the handcuffs to prevent them from ratcheting any further. The officer stated the complainant never complained of tight handcuffs. One witness officer said he was not made aware of the complainant's handcuffs being too tight. The other witness officer said the complainant did not complain about the handcuffs.

The complainant stated a female officer loosened the handcuffs at the station. The complainant never supplied the requested medical information to OCC as additional evidence. There was evidence to indicate some of the complainant's abrasions and scrapes were old injuries. The OCC was unable to determine when the injuries occurred, due to the complainant's recent prior arrest and lack of medical information.

**SUMMARY OF ALLEGATION #4:** The officer failed to provide medical attention for the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating the complainant was not injured, never complained of pain, and never requested medical attention. Both witness officers corroborated the named officer's account that the complainant was not injured and did not complain of pain.

The complainant stated he felt light-headed upon his release from the station, but never requested medical attention from the officer. The complainant failed to provide the requested medical information to OCC as additional evidence.

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**SUMMARY OF ALLEGATION #5:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The officer stated he observed the complainant applying flame to a crack pipe. The crack pipe was booked as evidence. The complainant corroborated he was standing alone with a crack pipe in his hand. The complainant denied smoking from the crack pipe and felt the named officer could not have seen the pipe in his hand.

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

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

**FINDINGS OF FACT:** The officer denied the allegation, stating he did not use any force on the complainant; therefore, he was not required to report the use of force to his superior officer. The witness officer corroborated the named officer neither grabbed, slammed, nor kicked the complainant during this incident.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer did not read him his Miranda rights at the scene. The officer stated that he did not give the complainant the Miranda advisement at the scene because he was going to provide Miranda at the station as part of the DUI investigation. The SFPD DUI report indicates that the complainant was provided Miranda Advisement and the complainant refused.

**SUMMARY OF ALLEGATION # 2:** The officer used excessive force at the scene.

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

**FINDINGS OF FACT:** The complainant stated the officer handcuffed him tightly and pushed him to his knees. The complainant said he sustained bruises on his knees from being pushed to the ground, his face had abrasions, and his leg was very swollen. The officer denied the allegation. One witness said the officer grabbed the complainant's arm and the complainant yelled out, "Ouch Stop. I am not resisting. My arm won't bend that way." The witness then saw that the officer tackled the complainant to the ground and handcuffed the complainant. Although the complainant stated he was not resisting, he was reacting to pain felt by pulling away. The action of pulling away means resistance and non-compliance to the officer. The complainant was not able to inform the officer of his surgery until after the use of force had been employed. The witness also stated that it might have appeared that the complainant was resisting but his arm would not bend and he did not know if the complainant had the opportunity to explain to the officer. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant said when the officer told him he was under arrest for a DUI he told him he wanted a lawyer and the officer chuckled at him. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant said the officer used profanity towards him. The officer denied the allegation. The other officers did not hear the officer use profanity. The witness stated he heard the officer use the "F" word several times but did not recall exactly how he used the "F" word against the complainant. Per DGO 2.01 Rule 14. officers must not use profane language.

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**SUMMARY OF ALLEGATION #5:** The officer used a derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated the officer used a sexual slur toward him. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer pointed a firearm at the complainant without justification.

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

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

**SUMMARY OF ALLEGATION #2:** The officer misused police authority.

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

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

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:** .

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

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

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

**SUMMARY OF ALLEGATIONS 2 and 4:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The officers denied the allegation. Witness officers denied seeing any unnecessary force. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

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

**SUMMARY OF ALLEGATIONS 5 - 8:** The officers failed to provide their name and star numbers upon request.

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

**FINDINGS OF FACT:** The officers either denied being asked for said information, or said they provided the information. Other officers at the scene denied hearing the complainant request the information. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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**SUMMARY OF ALLEGATION #9:** The officer treated the complainant in a disparate manner.

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

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

**SUMMARY OF ALLEGATIONS 10 – 12:** The officers treated the complainant in a disparate manner.

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

**FINDINGS OF FACT:** The officers denied the allegation. Witness officers denied any knowledge of disparate treatment toward the complainant. There were no other witnesses. There is insufficient evidence to reach a dispositive finding.

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**SUMMARY OF ALLEGATIONS 13 – 15:** The officers failed to provide the complainant with required information.

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

**FINDINGS OF FACT:** The officers denied the allegation. Witness officers either denied any knowledge related to the allegation or provided information that contradicted with the complainant's statement. There were no other witnesses. There is insufficient evidence to reach a dispositive finding.

**SUMMARY OF ALLEGATIONS 16 and 17:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The officers had reasonable suspicion to detain the complainant based upon his location and behavior at the time of the detention, and because he fit the description of a reported suspect.

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**SUMMARY OF ALLEGATIONS #18 and 19 :** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant said at the time of the detention the officers told him he was under arrest. The officers denied the allegation. There were no witnesses at this time in the detention. There is insufficient evidence to reach a dispositive finding.

**SUMMARY OF ALLEGATIONS 20 and 21:** The officers handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The officers handcuffed the complainant pursuant to a lawful detention. Said action was proper and within department policy.

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**SUMMARY OF ALLEGATION #22:** The officer searched the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The officer did not recall searching the vehicle. A witness officer stated that the vehicle was searched pursuant to an investigation into a possible vehicle burglary. The complainant said that he told the officer that the vehicle belonged to him and he did not give the officer permission to search the vehicle. The complainant did not have proof of ownership on him at the time of the detention. Witness officers denied being present or had no recollection of the vehicle being searched. There were no other witnesses. There is insufficient evidence to reach a dispositive finding.

**SUMMARY OF ALLEGATIONS 23 and 24:** The officers conducted an improper investigation.

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

**FINDINGS OF FACT:** There is no evidence that corroborates this allegation. The investigatory steps documented as having been taken by the officers were proper.

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**SUMMARY OF ALLEGATIONS 25 and 26:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The officers denied making the alleged statements. Witness officers denied hearing the alleged statements. There were no other witnesses. There is insufficient evidence to reach a dispositive finding.

**SUMMARY OF ALLEGATIONS 27 and 28:** The officers damaged the complainant's property.

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

**FINDINGS OF FACT:** The officers denied the allegation. Witness officers denied any knowledge of the damaged property. There were no other witnesses. There is insufficient evidence to reach a dispositive finding.

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**SUMMARY OF ALLEGATIONS 29:** The officer exceeded the scope of a lawful search.

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

**FINDINGS OF FACT:** The officer's actions were lawful pursuant to his investigation into the rightful owner of a vehicle subject to a police investigation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officers involved in this police contact stated that the complainant and her boyfriend were stopped and detained because they matched the description from Communication's dispatch concerning a gun related incident. The Department documentation supported these statements. Given the circumstances of this incident, the officers' decision to detain the complainant and her boyfriend was proper and justified.

**SUMMARY OF ALLEGATION #3:** The officer handcuffed the complainant's boyfriend without justification.

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

**FINDINGS OF FACT:** The officer stated that he handcuffed the complainant's boyfriend for officer safety reasons because he matched the description of a suspect from a gun related incident. The Communication's records supported this statement. Given the circumstances of this incident, the officer's decision to handcuff the complainant's boyfriend was proper and justified.

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

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

**FINDINGS OF FACT:** The officers involved in this police contact did not recall whether the complainant was handcuffed during the incident. The complainant did not provide sufficient descriptive information regarding the officer who allegedly placed her in handcuffs. The complainant's boyfriend, who was also at the scene, did not respond to numerous OCC's requests for his statement. The available evidence was insufficient to identify the officer responsible for the alleged misconduct and to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The named member stated that he indeed searched the vehicle driven by the complainant's boyfriend because the latter gave his permission for such action. The complainant's boyfriend did not respond to the numerous OCC's requests for his statement regarding this incident. The available evidence was insufficient to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6:** The officer inappropriately searched the complainant.

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

**FINDINGS OF FACT:** The officers involved in this police contact denied searching the complainant during the incident. The complainant did not provide sufficient descriptive information about the officer involved in the alleged misconduct. The complainant's boyfriend, who was also present at the scene, did not respond to numerous OCC's requests for his statement. The available evidence was insufficient to identify the officer or to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that two female officers humiliated her and called her "stupid" during the incident. All four female officers involved in this police contact denied acting in the said manner. The complainant's boyfriend, who was also present at the scene, did not respond to the numerous OCC's requests for his statement. The available evidence was insufficient to identify the officers responsible for the alleged misconduct and to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated she had parked her vehicle in front of a law enforcement building while she waited for a friend. Two uniformed police officers approached her vehicle on foot and ordered her to move her vehicle due to parking restrictions. The officers went to the rear of her vehicle to further investigate. The complainant claimed there was an unusual delay in the process, exited her vehicle and began to approach one of the officers as he stood by the rear of her vehicle. The complainant claimed that he pushed her away, ordering her back into the car. The officer denied the allegation of force, stating he did not touch the complainant, but admitted that the complainant came “within two feet” of him and that he shouted at her to return to her vehicle more than once. The witness did not see the entire incident. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer misused his police authority.

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

**FINDINGS OF FACT:** The complainant stated that the officer told her that if she failed to appear or respond to her citation, he threatened that she would never be able to hold public office, hold a civil servant’s position, or sit on a jury. The officer denied making any inappropriate statements, including these comments or words to that effect. The witness overheard the officer say words to the effect of the complainant not being able to sit on a jury and saw that the officer and the complainant were angry at each other. The witness did not see the entire incident. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated that the officer yelled at her throughout their contact. The officer stated that the complainant ignored his lawful orders and he needed to utilize verbal commands in order to make the complainant comply with his orders. The officer stated that the complainant repeatedly ignored his lawful commands to move her vehicle from its illegal parked location. When the officer and his partner went to the rear of the vehicle to investigate, the complainant stated the process was taking too long and exited her vehicle. The officer stated that the complainant presented as an officer safety issue and would not immediately return to her car without the use of verbal commands. The witness did not see the entire incident. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that she requested the officer's star number. The request occurred when the complainant had admittedly parked illegally near a law enforcement building and the named officer was conducting an investigation. The complainant stated that she and the officer were engaged in a confrontation and that when she requested his identification, he angrily refused to comply. The officer denied being asked for his identifying information, stating that the complainant might have instead asked for his partner's identification. The witness did not see the entire incident. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer engaged in inappropriate conduct.

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

**FINDINGS OF FACT:** The complainant stated in her taped OCC interview that she had parked her vehicle in front of a law enforcement building while she waited for a friend. Two uniformed police officers approached her vehicle on foot and ordered her to move her vehicle due to parking restrictions. The complainant stated that when she did not move fast enough to satisfy the officers, one of the officers slapped the hood of her vehicle. The officer denied the allegation. The witness did not see the entire incident. There were no other witnesses. There is insufficient evidence to either prove, or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated in her taped OCC interview that she had parked her vehicle in front of a law enforcement building while she waited for a friend. Two uniformed police officers approached her vehicle on foot and ordered her to move her vehicle due to parking restrictions. The complainant stated that when she did not move fast enough to satisfy the officers, one of the officers cited her in retaliation. The officer denied the allegation. The witness did not see the entire incident. There were no other witnesses. There is insufficient evidence to either prove, or disprove the allegation.