

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/08 **DATE OF COMPLETION:** 08/22/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, which provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

SUMMARY OF ALLEGATION #2: The officer engaged in racially biased policing.

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, which provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

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SUMMARY OF ALLEGATION #3: The officer arrested an individual without cause.

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, which provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

SUMMARY OF ALLEGATION #4: The officer detained an individual without justification.

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, which provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

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SUMMARY OF ALLEGATION #5: The officer searched an individual without cause.

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, which provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The Department members failed to properly investigate the incident and collect/secure evidence.

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

FINDINGS OF FACT: The complainant stated that members of the SFPD did not properly investigate the circumstances surrounding accidental death of her daughter. The Department rules require members' response, investigation and extensive collection of evidence only if the Medical Examiner determines the incident to be a "suspicious death." The OCC found that in the case involving the complainant's daughter the Medical Examiner did not make such determination and that the police investigation was not required. The evidence proved that the act, which provided the basis for the allegation occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer failed to write an accurate report.

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

FINDINGS OF FACT: The complainant stated that the police report regarding the discovery of the body of her daughter inaccurately referred to her as male while, in fact, she was transgender and carried identification that identified her sex as "female." The Department regulations indeed require members to address transgender individuals in a way that is appropriate to their gender identity, which is determined by an individual's self-identification. The OCC found that in this incident no police investigation was required or performed. In his report, the officer referred to the body of the complainant's daughter in the manner consistent with the Medical Examiner's determination, which identified her as "male." The evidence proved that the act, which provided the basis for the allegation occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: The officer failed to respond to the complainant's inquiries in a timely manner.

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

FINDINGS OF FACT: The complainant stated that the police failed to promptly respond to her inquiries concerning the death of her daughter. According to the complainant, those inquiries were made via a spokesperson of one of the community groups in the city. In her OCC interview, this person stated that the Department members, including the Chief and the Chief's deputies were, actually responsive and cooperative and they participated in several meetings where the death of the complainant's daughter was addressed. Thus, the evidence obtained by the OCC proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #4: The officer acted inappropriately in communicating with the complainant.

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

FINDINGS OF FACT: The complainant stated that the named member yelled at her during a telephone conversation concerning the death of the complainant's daughter. A witness told the OCC that she actually arranged this telephone call but was not present when it took place. However, the witness found the complainant "really upset" after the conversation because of the apparently inappropriate demeanor exhibited by the officer. The named member denied acting inappropriately and/or yelling at the complainant at any time. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer used threatening and inappropriate behavior and comments toward the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle unlawfully.

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

FINDINGS OF FACT: The complainant stated her car was towed for expired registration, which she denies. The incident report documents the car was towed for having expired registration tags 09/07 and it was towed on 11/8/07. The license plate was run and returned to a 1989 Volkswagen with a VIN number that did not match and returned to another license plate with expired registration of 12/04 and neither came back as stolen. Although the registration tab on car's plate was not expired for six months, the plate for the original VIN number was expired for more than six months and as such, the officer had the authority to tow the vehicle per vehicle code 22651(o) and approval from his sergeant.

SUMMARY OF ALLEGATION #2: The officer failed to prepare an Incident Report.

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

FINDINGS OF FACT: The complainant believed her vehicle was possibly towed as retaliation for a previous incident. The complainant believed that an incident report had not been prepared regarding the tow. The investigation revealed that an Incident Report was prepared by an officer not involved in her previous incident. The allegation is unfounded.

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SUMMARY OF ALLEGATION #3: 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 had an attitude and made rude comments. The officer denied the allegation. Two witnesses corroborated the complainant and one witness corroborated the officer. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the inspector did not conduct a thorough investigation. The officer denied the allegation and stated he went above and beyond his duties to assist the complainant in getting her car returned to her without having to pay any fees to Auto Return. The officer reiterated that if it were not because the complainant tampered with the VIN number in the first place none of this would have happened. One witness stated that the officer had the storage fees waived although she was responsible for the initial tow fees. Another witness stated that the inspector was really trying to assist the complainant. The investigation showed that the inspector performed a proper investigation resulting in the return of the complainant's car and furthermore assisted with the waiver of fees due to a glitch with Auto Return having sold the car in auction, which the inspector did not have to do.

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

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

FINDINGS OF FACT: While detaining two suspects for a suspected felony, the named officers engaged in a confrontation with an onlooker. The onlooker observed one of the officers using force on one of the handcuffed detainees and had called out, "I saw what happened" and, "I'll be a witness." He tried to approach the detained suspect to offer his name and contact information, and to ask the detainee to get the officer's name and badge number. In so doing, he stayed a reasonable distance away, he was not physically interfering, and his comments were acceptably courteous.

The officer approached the onlooker, confronted him, and grabbed his arms. The two officers took the onlooker down to the ground, placed him on his stomach, and attempted to bring his wrists behind his back. Civilian witnesses who saw and heard the interaction between the detainee, the onlooker, and the officers each described the onlooker as reasonable and the police as aggressive. By confronting the onlooker, preventing him from contacting the handcuffed suspect, and then physically detaining him, the officers interfered with the rights of an onlooker. 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 ALLEGATIONS #3-4: The officers arrested an individual without cause.

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

FINDINGS OF FACT: The complainant and co-complainants alleged the officers arrested an onlooker without probable cause. The officers said the onlooker misdirected them by sending them in the wrong direction during their pursuit of two suspects. The evidence did not support this basis for arrest. The officers also alleged that the onlooker committed a battery on a police officer, obstructed an officer by means of threat or violence, and resisted arrest. The preponderance of the evidence establishes that the officers used inappropriate force to interfere with the onlooker-arrestee after he protested the officers use of force against one of the detained suspects. The officers approached the onlooker, took him down to the ground, and handcuffed him. In the course of the detention, an officer's finger was scraped by the onlooker's tooth. There were insufficient facts at the time of the incident to lead a reasonable person to believe that the onlooker intentionally bit the police officer. Otherwise, there was no probable cause to arrest the onlooker for battery. Likewise, there was insufficient probable cause to arrest the onlooker for threatening, obstructing, interfering or resisting. The weight of the evidence demonstrated that the onlooker only made a reasonable verbal protest and did not physically interfere with the arrest of the two assault suspects. The onlooker's limited resistance to his own detention was within his legal rights because it occurred only after the officers initiated unjustified physical force against him.

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SUMMARY OF ALLEGATIONS # 5-6: The officers used unnecessary force during the detention and arrest of the onlooker.

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

FINDINGS OF FACT: The complainant said the named officers used unnecessary force in detaining and arresting an onlooker who spoke up during a police action. The co-complainants and civilian witnesses all stated that the onlooker verbally objected to one officer's use of force on a prisoner. The witnesses concurred the onlooker did not threaten the officers or physically interfere with the handling of the prisoners. The witnesses observed that the officer approached the onlooker and immediately used force that included grabbing the onlooker's jacket, pushing on his chest, and grasping the onlooker's arm. The first officer's partner arrived at the same time, or immediately after the first officer initiated the takedown, and assisted in the takedown. The witnesses observed the officers place themselves on top of the onlooker, one with a knee in the onlooker's back, the other facing his head. Each officer grasped an arm and raised the onlooker's arms to an uncomfortably high position. Witnesses said the onlooker complained of pain and told the officers that he had a previously dislocated shoulder, but the use of force continued. The witnesses said the onlooker was not resisting arrest. A preponderance of the evidence proved that use of physical force did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #7: The officer used unnecessary force by deploying OC spray.

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

FINDINGS OF FACT: The complainants stated that the officer used unnecessary force on two females by spraying them with OC spray. The officer and his partner had performed a takedown of an onlooker on a wide sidewalk, near a parking lot. The complainants' and witness' statements generally concurred that a female bystander approached the officer, asking, "What are you doing to my husband?" The officers stated that the approach was rapid and they feared that the bystander would harm the officers or obstruct the detention. One co-complainant and one witness overheard an officer order the female back, but she was sprayed almost immediately afterwards. The second female reportedly approached the scene within seconds after the first female was sprayed. The first officer said he felt threatened by the approach of the women towards him and his partner, because they had a suspect on the ground. The second officer described the first female as "hysterical." The evidence proved that the use of OC spray did occur, but the evidence was insufficient to prove or disprove that the use of the OC spray was necessary.

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SUMMARY OF ALLEGATIONS #8-9: The officers failed to maintain custodial control of their prisoners.

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

FINDINGS OF FACT: The officers detained and handcuffed two suspects who they believed had participated in an assault. Instead of focusing on their prisoners, the officers became distracted by a civilian onlooker and left both prisoners unattended on the curb. Although their patrol wagon was parked 10-15 feet away, they made no attempt to confine the arrested assault suspects in it while they addressed the onlooker. Ultimately, their inattention enabled one of the handcuffed assault suspects to flee away from the Ferry Building, across Justin Herman Plaza, and up Market Street before he was detained again. The evidence establishes that the officers did not take reasonable steps to minimize the possibility of a prisoner escape. By permitting an assault suspect to flee, the officers alarmed the civilian bystanders and jeopardized the safety of the public and of the fleeing prisoner. 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 #10: The officer wrote an incomplete and inaccurate Incident Report.

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

FINDINGS OF FACT: The named officer's supplement to the incident report regarding this incident failed to accurately reflect the events that occurred. All of the neutral bystanders who have described the incident are consistent in stating that the onlooker-arrestee did not commit the threatening conduct attributed to him by the Incident Report. The report also omits significant facts that have since been acknowledged by one or both of the involved officers. The report failed to account for one of the initially detained suspects, who apparently was transported to a reverse cold show and released under P.C. 849b after being cleared of the alleged assault. The officer contended that his report was true, complete and accurate. A preponderance of the evidence established that the report was inaccurate and misleading and that it was incomplete in material respects.

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SUMMARY OF ALLEGATION #11: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainants stated the officer misrepresented the truth regarding what an onlooker said and did during a police action. The officer misrepresented the truth by making false statements or suppressing facts he was required to disclose in his report and/or to his immediate superior officer. A superior officer interviewed the named officer at the scene and he gave a false characterization of events. The officer then reaffirmed the false information in a written police report. The officer denied this allegation, stating that everything he said and wrote was true. The officer's statements were determined to be false because they were contradicted by numerous witness accounts. The officer misrepresented the onlooker's statements and actions, as well as his own actions. The false characterizations were self-serving in that they tended to justify the officer's use of force. A preponderance of the evidence supported a finding that the officer misrepresented the truth and, in so doing, reflected discredit upon the Department.

SUMMARY OF ALLEGATION #12: The officer misrepresented the truth.

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

FINDINGS OF FACT: The named officer allowed important facts to be omitted or distorted in his interview with the supervising sergeant, which was conducted jointly with his partner. The officer further allowed these important facts to be omitted from the incident report. In each context, the officer contributed to a deception. A false description of the onlooker's words and conduct, and an exaggeration of the facts about an injury to the officer's finger, were presented in the incident report and perpetuated by the officer when he testified under oath at the preliminary hearing. In each setting available to him, the officer continued to act as an advocate for a false characterization of the events at the Ferry Building parking lot. A preponderance of the evidence supported a finding that the officer misrepresented the truth and, in so doing, reflected discredit upon the Department.

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SUMMARY OF ALLEGATION #13: The officer used racially derogatory language.

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

FINDINGS OF FACT: The co-complainant stated the officer called him “monkey” and other racial slurs. The co-complainant stated the officer told him “monkeys belong in cages.” Another witness stated the officer also called him “monkey.” The evidence showed the use of the term “monkey” was sufficiently unique to demonstrate the officer’s use of a specific slur as a signature. However, the two witnesses complaining of this slur had extended access to one another at the jail after the events and may have influenced one another. The named officer denied the allegation. Two other officers who were also present denied the officer used a racial slur. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #14-15: The officers failed to provide/summon medical assistance.

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

FINDINGS OF FACT: The co-complainants alleged the arresting officers failed to provide or summon medical assistance after a woman was sprayed with OC spray. Three of the co-complainants and several witnesses at the scene saw a woman receive a burst of OC spray directly into her eyes. The complainants and witnesses then watched the woman retreat and observed her physical distress. Two witnesses stated that they heard an officer use his radio to request back-up, but did not hear him request an ambulance. The OCC determined through communications records that a backup officer first arrived on scene and subsequently paramedics arrived, within eight minutes of the incident.

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SUMMARY OF ALLEGATION #16: The officer used unnecessary force on a prisoner.

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

FINDINGS OF FACT: The co-complainant stated the officer used unnecessary force on him, striking him multiple times with his hand or a closed fist on his face as he sat next to him in the back of a patrol car. The officer had chased the co-complainant on foot after the co-complainant ran away wearing handcuffs. After catching him, the officer got in the back of a patrol car with him. Witnesses observed the co-complainant's face before he was placed in the patrol car with the officer and his face was uninjured. The co-complainant's face was visibly bruised when his booking photo was taken. The named officer and the transporting officers denied the use of excessive force by the named officer, but offered no alternate explanation as to how the co-complainant's face was injured. A preponderance of the evidence proved that the officer used unnecessary force.

SUMMARY OF ALLEGATIONS #17-19: The officers used unnecessary force on a prisoner by tightening his handcuffs to excess.

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

FINDINGS OF FACT: The co-complainant stated the officers tightened his handcuffs while he was on the ground, causing his wrist to crack, bleed, and feel residual numbness. Police photos showed the co-complainant's right wrist had a bloody injury. However, the co-complainant admitted running several hundred yards while handcuffed. The OCC was unable to determine the cause of the wrist injury. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #20-21: The officers failed to provide safe transportation to a prisoner.

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

FINDINGS OF FACT: The co-complainant had escaped from his arresting officer, who then pursued him on foot and recaptured him. The two officers named in this allegation came to assist. The co-complainant was placed in the back of their patrol car. They were seated in the front of the patrol car. The arresting officer got into the back seat and proceeded to strike the co-complainant. The named officers failed to provide for the safety of their prisoner because they did nothing to intervene in the misconduct of the officer in the back seat. The officers assigned to the patrol vehicle denied the allegation. They said they would have stopped the assault, had it occurred. However, the officers also denied that the co-complainant had injuries to his face when he was placed into the patrol vehicle. They offered no alternate explanation as to how the facial injury could have occurred. The SFPD mug shot of the co-complainant's right side showed prominent contusions that were consistent with a blow to the face. By a preponderance of the evidence, the OCC found that the wrongful use of force by the first officer did occur, and that the two named officers were in the patrol car at the time. Therefore the allegation of Neglect of Duty for failing to intervene to protect their prisoner is sustained.

SUMMARY OF ALLEGATIONS #22-23: The officers failed to follow appropriate sections of the Booking and Detention Manual and DGO 1.03 concerning medical screening.

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

FINDINGS OF FACT: The arrested onlooker had a prior shoulder injury and, according to the complainant and co-complainants, he had complained at the scene of pain from this injury. The arresting officers denied the allegation. The officers transported the individual to the station and did not medically screen him. The named officers did not complete the booking process and another station duty officer filled out the booking card. There were no notations on the booking card as to the arrestee's medical condition. Members of the San Francisco Sheriff's Department filled out the medical screening paperwork prior to transporting the onlooker to County Jail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation complained of.

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SUMMARY OF ALLEGATIONS #24-25: The officers used unnecessary force.

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

FINDINGS OF FACT: The co-complainant stated that the officers used unnecessary force in taking him into custody. The co-complainant admitted he fled the scene of his initial arrest. He said he ran away in handcuffs and was recaptured by the original arresting officer and two additionally named officers. The co-complainant said the officers used unnecessary force in recapturing him, by “tackling him to the ground.” The officers stated that only reasonable force was used for the detention. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #26-27: The officers interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant and co-complainant stated that back-up officers refused to hear the concerns of onlookers following a police incident. The co-complainant further stated he thought the officers were there to take witness statements. One of the witnesses said the complainant was ordered to leave the scene by an officer. Another witness stated that the officers kept to themselves and did not take witness statements for an extended period of time. The complainants and witnesses could not clearly identify the officers or conversations in which they believed their onlooker rights were violated. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation stated in the complaint.

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SUMMARY OF ALLEGATIONS #28-29: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant and co-complainants stated that the back-up officers arriving at the scene spoke to them inappropriately by telling them to shut up and threatening not to provide necessary medical attention to a woman who had been OC sprayed by the police. The witnesses agreed that the first back up officers were rude and inappropriate, but were unable to sufficiently describe which of the officers were inappropriate. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation stated in the complaint.

SUMMARY OF ALLEGATION #30: The officer uttered sexually derogatory comments.

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

FINDINGS OF FACT: The co-complainant stated the arresting officer made sexual slurs while the two sat together in the back seat of a patrol car. The co-complainant stated the only two witnesses were two additional uniformed patrol officers seated in the front of the patrol car. The OCC interviewed the two officers seated in the front of the patrol car. They denied the allegation. The named officer denied the allegation. There was insufficient evidence to prove or disprove the allegation stated in the complaint.

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SUMMARY OF ALLEGATION #31: The officer failed to summon/provide medical treatment.

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

FINDINGS OF FACT: The complainant and co-complainants stated the officer failed to provide medical treatment to an onlooker who had been sprayed with OC spray at the scene of a police action and there was an unreasonable delay in the summoning of such treatment. The named officer provided first aid to the victim. He further stated he summoned paramedics to the scene following his arrival. Witness statements and Emergency Communications records corroborated the officer's statement. The officer's conduct at the scene was determined to be proper.

SUMMARY OF ALLEGATIONS #32-33: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: One of the four co-complainants alleged that the officers singled out a particular onlooker and treated him harshly because he was African-American. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #34: The officer made inappropriate remarks and acted in an inappropriate manner.

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

FINDINGS OF FACT: The co-complainant stated she responded to the local police station to pick up her daughter who had been sprayed with OC spray by the named officer. She asked to speak to the arresting officer. The officer told the co-complainant that she was lucky her daughter was not killed, and said that he would have had the right to shoot her daughter. Three other witnesses reported similar comments by the same officer to members of the public. The comments were alarming and inappropriate. They reflected discredit upon the Department by suggesting a cavalier attitude towards the use of lethal force.

OCC ADDED ALLEGATIONS

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The officers transported a handcuffed suspect to a reverse cold show. The officers stated the reverse cold show result was negative and they issued the suspect a Certificate of Release. The SFPD Records Management failed to provide the OCC with a copy of the Certificate of Release. The OCC was unable to determine the cause of the discrepancy in the records. There was insufficient evidence to prove or disprove the allegation.

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OCC ADDED ALLEGATIONS

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

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

FINDINGS OF FACT: The OCC alleged that the reviewing officer failed to properly review the arresting officer's incident report and that he maintained inadequate documentation to support photographic evidence. Using the Department's regulations as an applicable standard, it was inconclusive whether the oversights constituted a sustainable Neglect of Duty.

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

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

FINDINGS OF FACT: The named officer acknowledged that he was the platoon commander for the swing watch. The named officer stated he visited the scene of the incident after the officers arrested all of the suspects. The named officer reasonably relied on what the arresting officers told him occurred at the scene and approved the incident report based on the statements provided by the arresting officers, under penalty of perjury. At the time there were no additional outside facts brought to the named officer's attention that would have required him to conduct any further investigation. The evidence proved that the alleged act occurred. However, using as a standard the applicable regulations of the Department, the officer's actions were proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/07 **DATE OF COMPLETION:** 08/29/08 **PAGE** #13 of 14

OCC ADDED ALLEGATIONS

SUMMARY OF OCC ADDED ALLEGATIONS #5-6: The officers failed to report and record their use of force in the Use of Force Log.

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

FINDINGS OF FACT: The complainants stated the officers used force on the onlooker/arrestee, which resulted in his complaining of pain and injury. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #7: The officer failed to comply with Department General Order 6.04.

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

FINDINGS OF FACT: The named officer at times stated that he had been bitten by a suspect during a police action. The officer admitted he did not notify General Work of the assault, and that he advised his superior officer but that he did not consider any further advisories necessary. Per the applicable General Order, the officer was required under Department General Order 6.04 to contact General Work on the same day or the next business day if he had been assaulted. A preponderance of the evidence proved that the officer expressed ambivalence about whether he had actually been assaulted, characterizing the small injury to his hand variously as “a bite” or “a scrape.” There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/07 **DATE OF COMPLETION:** 08/29/08 **PAGE** #14 of 14

OCC ADDED ALLEGATIONS

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

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

FINDINGS OF FACT: The officer initiated an investigation in which he received conflicting information. He limited his involvement to taking statements and determining whether specific documents were completed. The situation was one which required more immediate and thorough investigation and documentation. The evidence proved that the action complained of was the result of inadequate or inappropriate training.

SUMMARY OF OCC ADDED ALLEGATIONS #9-10: The officers failed to take required action.

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

FINDINGS OF FACT: The onlooker/arrestee complained of pain and referred to a pre-existing injury while being arrested. The arresting officers transported him to the station. At the station, they did not inform the duty officer or the Station Keeper of the onlooker's injury or pre-existing injury. As a result, there were no notations on the booking card as required by the Booking and Detention Manual. The evidence proved the action complained of was the result of inadequate or inappropriate training.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/08 **DATE OF COMPLETION:** 08/27/08 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer selectively enforced the law.

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

FINDINGS OF FACT: The complainant and a witness stated they believed the contact was based on the officer selectively enforcing the law based on their race. The complainant and the witness stated they believed this because there was other police activity going on in the immediate area not involving them. The officer stated he did not recall the contact and did not know of any other police activity in the area. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer cited her without cause for not wearing a seatbelt. The complainant stated she was wearing a lap belt properly but the chest seatbelt was placed behind her. The complainant did not provide a copy of the citation. A copy of the citation was requested from the court but the court could not locate the citation. The officer did not recall the contact and could not locate the citation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/08 **DATE OF COMPLETION:** 08/27/08 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #3: The officer acted inappropriately/made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officer visually walked around the vehicle looking for violations and made inappropriate comments. The officer did not recall the contact. There were no independent witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to answer reasonable questions or provide required information.

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

FINDINGS OF FACT: The complainant stated the officer failed to explain the citation to her. The officer did not recall the contact but stated he always provides information when requested about the citation process. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/08 **DATE OF COMPLETION:** 08/27/08 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer failed to provide his name when requested.

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

FINDINGS OF FACT: The complainant stated the officer did not provide identifying information to her when requested. A passenger stated that the officer provided his star number when requested. The officer did not recall the contact but stated he always provides his identifying information when requested. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant said the officer used profanity. The officer did not recall the contact but stated he does not use profanity. A witness was unsure if the officer used profanity. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/08

DATE OF COMPLETION: 08/27/08

PAGE# 4 of 4

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

CATEGORY OF CONDUCT: UA

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officer detained her for no reason. The officer did not recall the incident but stated he detains and enforces the law on persons who commit traffic violations. A witness was unsure of the reason for the traffic stop. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/08 **DATE OF COMPLETION:** 08/13/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer was not helpful and disrespectful. The officer denied the allegation. The officer stated the complainant was rude and threatening. A witness said the staff at the department was neither mean nor friendly. The witness stated he did not recall any verbal argument or the complainant. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/08 **DATE OF COMPLETION:** 08/12/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer acted in an inappropriate manner. The officer denied the allegation. The witness to the incident did not provide a statement. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/07 **DATE OF COMPLETION:** 08/23/08 **PAGE#**1 of 2

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

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

FINDINGS OF FACT The complainant alleges the officers behaved inappropriately by taking and preparing an Incident Report without first contacting her and conducting an investigation. The complainant stated the officers' conduct violated her right to privacy because the information that the officers obtained was confidential and the officers were not supposed to know. The evidence shows that the officers responded pursuant to a legitimate call for service. The party that requested police assistance wanted the incident to be documented in a police report. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleges the officer displayed inappropriate behavior. The officer denied the allegation. Two other officers that were present during the contact corroborated the named member's account. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/07 **DATE OF COMPLETION:** 08/23/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: This complaint raises matters outside OCC's jurisdiction.

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

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

Management Control Division.
San Francisco Police Department
850 Bryant Street, Room #545
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: 03/20/08 **DATE OF COMPLETION:** 08/14/08 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officers injured his arm by pushing the door against him. The complainant admitted to shutting the door against the officers. The officers stated they were called to investigate a trespassing complaint, and that they observed a person lying on the floor in the complainant's room. The officers stated the complainant slammed the door, trapping an officer's hand between the door and the doorframe, so they pushed back. The conduct of the officers was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3 and #4: The officers entered the complainant's room without a warrant.

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

FINDINGS OF FACT: The complainant stated the officers entered his room without a warrant. The officers stated they were called to investigate a trespassing complaint, and that they observed a person lying on the floor in the complainant's room, so they entered to check the well-being of the person. The conduct of the officers was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/20/08 **DATE OF COMPLETION:** 08/14/08 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #5 and #6: The officer failed to read the complainant his rights.

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

FINDINGS OF FACT: The officers were not required to Mirandize the complainant as the complainant was not under arrest and the officers did not interrogate him regarding a crime.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/08 **DATE OF COMPLETION:** 08/25/08 **PAGE#** 1 of 1

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

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 18, 2008.

SUMMARY OF ALLEGATION #2: The officer failed to write an accurate report.

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 18, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer engaged in harassment against the complainant.

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

FINDINGS OF FACT: The evidence proved that the acts of the officer 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: 03/07/08 **DATE OF COMPLETION:** 08/19/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated all lights were flashing red between 3:30-4:30 am when he crossed the street. The officers denied the allegation. The officers stated the light was red and it does not flash. The CAD documents that the incident occurred at about 12:42 a.m. and 1:03 a.m., which is inconsistent with the complainant's statement. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 08/12//08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was standing in the street with his bicycle when he was arrested. The complainant did not make any attempts to leave the area and denied hearing the dispersal orders, which several witnesses heard. Department records also confirm that three dispersal orders were given before any arrests were made. The complainant acknowledged that he refused several orders to sit on the ground and argued with the officer when told to sit on the ground. The arresting officer stated the complainant struggled with him and pushed him. A witness saw the complainant “wrestling” with the officer. The complainant was properly arrested for resisting arrest and blocking an intersection.

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

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

FINDINGS OF FACT: The complainant stated he was standing in the street with his bicycle when he was arrested. The complainant did not make any attempts to leave the area and denied hearing the dispersal orders, which several witnesses heard. Department records also confirm that three dispersal orders were given before any arrests were made. The complainant acknowledged that he refused several orders to sit on the ground and argued with the officer when told to sit on the ground. The arresting officer stated the complainant struggled with him and pushed him. A witness saw the complainant “wrestling” with the officer. The complainant was properly cited for resisting arrest and blocking an intersection.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 08/12/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant acknowledged that he refused several orders to sit on the ground and argued with the officer when told to sit on the ground. A witness saw the complainant "wrestling" with the officer. The officer stated the complainant struggled with him and pushed him. The officer employed a Department-approved leg sweep and took the complainant to the ground. The complainant was not injured. Department General Orders stated that officers may use an increasing level of force to control an arrestee, beginning with verbal orders. The officer's conduct was proper.

SUMMARY OF ALLEGATION #4: The officer failed to follow proper crowd control procedures.

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

FINDINGS OF FACT: Department records confirmed that three dispersal orders were given before any arrests were made. Records also confirmed that a Commanding Officer gave an order to arrest everyone inside the encirclement. The Crowd Control Manual states that encirclement is used when a crowd has refused to obey a proper order to disperse. Once encircled, members of the encircled group may not be allowed to leave unless authorized to do so, at the discretion of a supervisor. The allegation is unfounded.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/07 **DATE OF COMPLETION:** 08/23/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer is no longer a sworn member of the San Francisco Police Department.

SUMMARY OF ALLEGATION #2: The officer made a racially biased policing.

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

FINDINGS OF FACT: The officer is no longer a sworn member of the San Francisco Police Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/08 **DATE OF COMPLETION:** 08/21/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she never invited the officers to come inside her house and they did so by "forcefully opening the door." One named member stated that the complainant invited him to come inside her residence to view the images from the security camera. The second officer stated that he entered the residence "as a result of taking custody of the complainant under a private person's arrest." The statement from a third officer involved in this incident was inconclusive. There were no other witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member stated that he did not arrest the complainant but merely took her into police custody to effect a private person's arrest made by the complainant's neighbor. Two other officers involved in the incident, in essence, supported this statement. The police report regarding the occurrence indeed contained a signed private citizen's arrest form concerning the complainant. However, the available evidence was insufficient to determine whether the named member was inside the complainant's residence lawfully in order to effect the said citizen's arrest. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/08 **DATE OF COMPLETION:** 08/21/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that one of the officers involved in the incident searched her purse without consent or permission. One of these officers denied doing so and the other two did not recall whether they, in fact, searched the complainant's purse. There were no other witnesses to the incident. The complainant could not provide any descriptive information concerning the officer, who was involved in the alleged misconduct. The available evidence was insufficient to name any particular member and to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate Incident Report.

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

FINDINGS OF FACT: The complainant stated that the related police report inaccurately described the events surrounding her arrest. The named member stated that his report accurately reflected the incident. Two other officers involved in the complainant's arrest supported this statement. There were no other witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/08 **DATE OF COMPLETION:** 08/12/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer arrested the complainant 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:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/08 **DATE OF COMPLETION:** 08/12/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said that racial comments were made by a silver haired older officer regarding immigrants. The officer denied the allegation. The officer stated that an unknown white male silver haired on-looker made these comments to the female. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the suspect started giving out his number verbally to the female onlooker and the officer told her to back away or he would arrest the woman for interfering. The officer denied the allegation. The officer stated that the female came forward to make physical contact with the suspect and at that point he the officer said he admonished the female for interfering. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/02/07 **DATE OF COMPLETION:** 08/23/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer stated there was probable cause to arrest the complainant, in that he viewed the complainant peddling goods, and discovered that the complainant did not have a license for this activity. Also, the officer stated that the complainant did not cooperate, and resisted the officer's attempt to detain him. Neither the complainant nor the officer could supply witness names and how to reach any witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant's medical records did not show evidence of injury. His first visit to the medical facility regarding this allegation of injury took place more than a month after his encounter with the officer. The officer stated that a slight amount of force was used to overcome the complainant's resistance, and this was necessary. Neither the complainant nor the officer could supply witness names and how to reach any witnesses. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/08 **DATE OF COMPLETION:** 08/22/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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 he was arrested without being asked for his side of the story. The officers stated that the complainant was arrested on a violation of the stay away order and a signed citizen's arrest for battery. The desk clerk did not see the battery portion of the incident but said that both parties claimed to have hit the other in the stomach and that the complainant was intoxicated at the time. The officers had the authority to accept the citizen's arrest per DGO 5.04 and enforce the stay away order.

SUMMARY OF ALLEGATION #3-5: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant said he was not allowed to put his shoes on and lock the door to his room. The officers denied the allegation. One witness did not recall if the complainant had shoes at the time of the arrest and did not see if the door was secured or not. There were no other witnesses to the allegation. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #6-7: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated his wallet was missing. The officers 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: 05/21/07 **DATE OF COMPLETION:** 08/23/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer drove a vehicle at the complainant and made inappropriate comments. The officer is not available to Office of Citizen Complaints jurisdiction due to a serious ongoing medical condition.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/08 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant was falsely arrested.

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

FINDINGS OF FACT: The complainant failed to provide evidence to continue the investigation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/08 **DATE OF COMPLETION:** 08/12/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

DEPT. ACTION:

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

SUMMARY OF ALLEGATION #2: This allegation raises matters outside OCC's jurisdiction

CATEGORY OF CONDUCT: IO1

FINDING: IO1

DEPT. ACTION:

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

Auto Return
450 7th Street
San Francisco, CA 94103
(415) 621-8605

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/08 **DATE OF COMPLETION:** 08/08/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officers threatened to arrest him after he was detained for a traffic violation. The officers denied threatening the complainant and there were no witnesses or additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was improperly cited for walking against a red light. He subsequently drew a diagram and stated he crossed against the red light. The officers stated the complainant stepped in front of their vehicle and they had to slam on their brakes to avoid hitting him. The officers' conduct was proper.

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: The officers stated they provided their names and star numbers. There were no witnesses or additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The named members stated that they stopped and detained the co-complainant because an anonymous citizen pointed him out and said the co-complainant had a gun. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers searched the co-complainant without cause.

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

FINDINGS OF FACT: The named members stated that they searched the co-complainant's pockets because an anonymous citizen pointed him out and said the co-complainant had a gun. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The named members denied acting in the alleged manner. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer used unnecessary force against the co-complainant.

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

FINDINGS OF FACT: The named member denied the allegation. The officer's partner supported this statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer used rude and uncivil language.

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

FINDINGS OF FACT: The named member denied the allegation. His partner supported this statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer misused the Department computer.

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

FINDINGS OF FACT: The officers involved in this incident did not recall making a questionable query via the Department computer. The available evidence was insufficient to positively identify the member who actually made the query and to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. There is insufficient evidence to continue the investigation of this case.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. There is insufficient evidence to continue the investigation of this case.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was detained when he did nothing but ask about an ambulance for a friend. A witness identified by the complainant stated that the complainant refused to move back when officers told him to clear a crime scene, and resisted physically when they tried to move him back. One other witness did not respond to calls for an interview. The named and several witness officers stated that the complainant refused the named officer's lawful order to move to the sidewalk. The evidence proved the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that when he was detained, he lay down on the ground himself, offering his hands behind his back for handcuffing and then he was slammed into the ground. A witness described the complainant physically resisting detention and said seven officers took the complainant down, with one pushing the complainant's head into the ground. No other witnesses came forward. The named officer documented his acknowledged use of physical control at the scene, leading to injury of the complainant. One witness officer said he was involved in subduing the complainant, and said the resistance of the complainant led to his injury. Neither of those officers, nor several witness officers, recalled which other officers were involved in the detention. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC-ADDED ALLEGATIONS #1, 2: The officers failed to obtain a medical assessment for a visibly injured prisoner.

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

FINDINGS OF FACT: Photos of the complainant taken at the time of his detention show he was bleeding. A department bulletin states that visibly injured prisoners need to be medically assessed. The complainant said he saw no medical personnel and the officers released him after citing him. The named officers said they offered medical attention to the complainant and he refused it each time. There were no witnesses to the offers of medical assistance. The named officers indicated that the prisoner was cited and released at the scene because they were focused on a shooting crime scene and an unruly crowd. They stated that when the complainant was released, he was no longer a prisoner, and therefore not covered by the requirement that he be assessed. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated she called the police to report her daughter missing. The complainant alleged she asked the officers to call a phone number where her daughter routinely goes to see if she was there and they refused. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation

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

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

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

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SUMMARY OF ALLEGATIONS #4-5: The officers improperly removed the complainant's daughter from her home and transported her to Child Protective Services.

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

FINDINGS OF FACT: The complaint stated that she called the police because her daughter was acting up and throwing things around the house. The complainant stated she wanted her daughter to be "charged." The officers stated that the complainant wanted her daughter removed from the house because the complainant no longer wanted to deal with her. Department General Order 7.01, states in pertinent part, "When detaining, arresting or taking a juvenile into temporary custody members shall choose the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the child and community." The evidence establishes that the officers chose the alternative that least restricts the juvenile's freedom of movement by placing the complainant's daughter in the care of the Child Protective Services. "Charging" the complainant's daughter as requested would not have been in the best interest of the child. The evidence proves that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #6-7: The officers behaved inappropriately and/or made inappropriate comments.

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

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

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DATE OF COMPLAINT: 06/04/07 **DATE OF COMPLETION:** 08/29/08 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers selectively enforced the law.

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

FINDINGS OF FACT: The complainant admits that there was probable cause for the officers to perform a traffic stop upon him because of his actions, in that he stated in his complaint that his driving might have “warranted attention.” He did not offer any evidence of selective enforcement other than his subjective opinions. The officers denied that they performed a traffic stop based on selective enforcement. The evidence shows that the complainant’s subjective feelings about this event are not supported by facts.

SUMMARY OF ALLEGATION #3: The officer seized the complainant’s property.

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

FINDINGS OF FACT: The officer asked the complainant to take the keys out of his ignition during the traffic stop, and hand them to the officer. The officer then put the keys on the roof of the car. This is not a seizure of property, as the officer gave the keys back to the complainant after the traffic stop, and did not maintain possession of them.

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

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

FINDINGS OF FACT: The complainant stated a pedestrian hidden by a white van darted in front of his car. The complainant stated he did not have time to slam on his brakes and the pedestrian jumped back behind the van. The citing officer stated while participating in a sting operation, he observed the complainant fail to yield to an officer acting as a pedestrian. The citing officer stated he did not see a white van at the scene. Another officer involved in the sting operation stated that he did not recall seeing the complainant or a white van at the scene. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT

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SUMMARY OF ALLEGATIONS #1-2: The officers unlawfully entered the complainant's hotel room.

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

FINDINGS OF FACT: The statements from the complainant and two named members were inconclusive and contradictory regarding circumstances of this incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers searched the complainant's hotel room without cause.

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

FINDINGS OF FACT: The statements from the complainant and two named members were contradictory and conclusive regarding the circumstances surrounding this incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant could not provide adequate descriptive information concerning the officer who searched her during the incident. Two members involved in the complainant's arrest denied searching her. No other witnesses came forward. The available evidence was insufficient to positively identify the officer responsible for the alleged misconduct and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member stated that the complainant was taken into custody for possession of narcotics discovered during the search of her room and her person. Another member involved in the complainant's arrest corroborated this statement. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant could not provide adequate descriptive information concerning the officer who inappropriately searched her during the incident. Two members involved in the complainant's arrest denied searching her. No other witnesses came forward. The available evidence was insufficient to positively identify the officer responsible for the alleged misconduct and 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 made inappropriate comments.

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

FINDINGS OF FACT: Each officer at the scene denied making, or hearing, inappropriate comments to a woman with the complainant. The woman failed to respond to repeated contact attempts. There were no other witnesses or evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was taking photos of a nude woman on a public street. He stated he believed nudity was legal in San Francisco. The officer stated he observed the complainant taking photographs of a nude woman in front of a bookstore where a crowd had gathered. The officer stated he cited the complainant for being a public nuisance, a violation of California Penal Code §372 "because he was the cause of the nuisance." The officer had the discretion to the citation. The officer's action was proper.

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

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

FINDINGS OF FACT: The complainant stated he was taking photos of a nude woman on a public street. The officer properly issued a citation to the complainant for being a public nuisance. The officer stated he seized the complainant's camera and disk as evidence and also to prevent the nuisance from continuing. The officer's action was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer detained the complainant 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 11, 2008.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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 11, 2008.

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

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 11, 2008.

SUMMARY OF ALLEGATION #4: 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 11, 2008.

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

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

FINDINGS OF FACT: The complainant stated the officer called his employer after an incident and tried to harm his position with the employer. The named officer acknowledged that he previously worked for the complainant's employer and called the agency. He stated that his call was part of an investigation into a reported DUI. He said he subsequently spoke to a former supervisor, who returned his call, but that he did not reveal private information or do anything to influence the complainant's position at work. One witness officer said he was not present when the named officer made phone calls as alleged. One witness stated that he received a call from the named officer but said that the named officer did not reveal information to him about the complainant that was not already known. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-Added ALLEGATION #1: The officer failed to comply with DGO 6.09.

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

FINDINGS OF FACT: The General Order calls for officers to write an Incident Report with each reported domestic violence incident. The named officer denied that a reporting party reported domestic violence. The named and one witness officer said that the argument was described as verbal only by the reporting party. The reporting party did not respond to calls for an interview by the OCC. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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 5, 2008

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer detained him without justification. The officer stated he had numerous prior contacts with the complainant and knew that the complainant was on parole at the time of the detention and could lawfully be contacted because of the parole. Records showed that the complainant was on parole at the times he was detained and that as result of the parole conditions, the officer could lawfully contact and detain the complainant. The officer's actions were proper.

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

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

FINDINGS OF FACT: The officer and a witness officer stated the complainant was on parole when contacted. The officers said the complainant was handcuffed due to his criminal history, which included fleeing from, and assaulting an officer and other violent crimes. The complainant's criminal history records confirmed this information. The evidence showed that the officer acted appropriately when the complainant was handcuffed for safety reasons during a parole search.

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SUMMARY OF ALLEGATION #3: The officer searched a premise without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched a residence he no longer lived at. The complainant further stated that when he was taken to this residence, a resident gave consent for the officers to search the home. The officer stated he had knowledge from the complainant's parole officer that the complainant lived at the address and the address was still listed on the complainant's rap sheet. The evidence showed that the officer acted appropriately based on the information he knew at the time of the contact that the residence searched was the complainant's residence. The officer's actions were proper.

SUMMARY OF ALLEGATIONS #4: The officer used a racial slur.

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

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

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SUMMARY OF ALLEGATIONS #5: The officer misused his police authority.

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

FINDINGS OF FACT: The officer denied the allegation. No witnesses came forward during the investigation. 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 cited the complainant 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:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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's written statement on the complaint form and his OCC interview statement contradict each other. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was given a citation for running a red light. There is probable cause for this citation to have been given, as the complainant did not say he stopped at the red light, and, from the content of the complaint narrative, his interview statement, and his witness' statement, appears to think that if there is no sign prohibiting a right turn on red, and no vehicles approaching, a driver can turn on a red light before coming to a full stop. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: This complaint raises matters not rationally within the jurisdiction of the Office of Citizen Complaints.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to provide accurate information to the complainant.

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

FINDINGS OF FACT: The complainant stated the officer told her that, by signing a “Stipulated Vehicle Release Agreement,” her vehicle would be towed and impounded if her vehicle was driven by a person without a driver’s license. Under California Vehicle Codes §22850.5 and §1806.1, the complainant was required to sign a Stipulated Vehicle Release Agreement in order to retrieve her vehicle from storage. The officer properly advised the complainant that her vehicle would be subject to future forfeiture if it was driven by someone without a valid driver’s license. The officer’s conduct was proper.

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

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

FINDINGS OF FACT: The allegation is not within the jurisdiction of the Office of Citizen Complaints and was forwarded to the San Francisco Police Department Management Control Division for their attention.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause. The officer stated that he and other officers observed the complainant participating in a narcotics transaction. Other officers confirmed they observed this conduct as well. When the complainant was contacted, narcotics contraband was found on him. The complainants information was run and it was determined he was on probation with a search condition and that there was an outstanding no bail warrant for the complainant. The complainant was arrested for those violations. A preponderance of the evidence showed that the act alleged did occur, however using as a standard the applicable rules and policies of the Department, the arrest was proper and lawful.

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

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

FINDINGS OF FACT: The complainant stated the officer choked him until he passed out. The complainant stated he did not tell any officers that he was injured or in pain. The complainant stated he was at the jail for 2.5 hours before his was transported to the hospital. This indicates there was no complaint of pain or injury otherwise the complainant would not have been received into San Francisco Sheriff Department custody and an ambulance would have been dispatched to the jail or the complainant transported to the hospital earlier. A hospital report stated that the complainant said he was choked out by a police officer but his main complaint was hunger. All officers denied the force allegation and stated that no force of any kind was used during this contact. The officers stated that they were either not aware that the complainant went to the hospital or that the complainant later went to the hospital for symptoms unrelated to the arrest. This would be appropriate if the complainant were not transported for 2.5 hours after the arrest. The officers stated that if any force had been used, other department procedures would have been followed to report the use of force and the complainant charged with resisting arrest. None of those things occurred. The complainant stated that he was arrested for a different type of narcotics than what was located during the search of his person. He also indicated there was a witness but was unable to provide any witness information. The evidence shows that the act alleged did not occur as the complainant suggested.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: Department records show that the complainant was detained at gunpoint after the complainant was reported to have brandished a firearm. 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 #3: The officer cited the complainant without cause.

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

FINDINGS OF FACT: Department records show that the citation was issued pursuant to a private person's arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant was cited for driving on the wrong side of the road and for having no proof of insurance. The complainant admitted to the violations for which he was cited. 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 #5: The officer failed to return the complainant's driver's license.

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

FINDINGS OF FACT: The complainant alleged that the police failed to return his driver's license. The officers who cited the complainant denied the allegation. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant wrote that the officer supported a “ridiculous” policy regarding illegal persons in San Francisco. 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, said conduct was proper and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/08 **DATE OF COMPLETION:** 08/25/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately and made improper remarks.

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 21, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

Management Control Division
San Francisco Police Department

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant alleges the officers detained him without justification. The officers denied the allegation. The officers stated the complainant was not detained during the contact. One witness stated he did not see the complainant being detained. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide the complainant with their badge numbers.

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

FINDINGS OF FACT: The complainant alleges the officers failed to provide their badge numbers when asked. The officers denied the allegation. The officers stated that they provided their names and badge numbers to the complainant. One witness stated he did not hear the complainant ask the officers for their badge numbers. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #5: The officer made inappropriate behavior and/or comments.

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

FINDINGS OF FACT: The complainant alleges the officer behaved inappropriately and/or made inappropriate comments during the contact. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. The complaint has been forwarded to the San Francisco Adult Probation Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated in his complaint that the officer arrested him without cause. The evidence, however, shows that the officer had probable cause to arrest the complainant for assaulting his father. The act, which provided for the basis of the allegation, occurred. However, such 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: 08/11/08 **DATE OF COMPLETION:** 08/13/08 **PAGE #** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/08 **DATE OF COMPLETION:** 08/19/08 **PAGE#** 1 of 1

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

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

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

Investigative Services Unit
San Francisco Sheriff's Department
25 Van Ness Avenue, Room 320
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/08 **DATE OF COMPLETION:** 08/13/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to the San Francisco District Attorney's Office
850 Bryant Street, Suite #322
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/08 **DATE OF COMPLETION:** 08/19/08 **PAGE#** 1 **of** 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/07 **DATE OF COMPLETION:** 08/26/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The named officer and other officers could not recall the incident in question. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer inappropriately touched her private area. The named officer and other officers denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/08 **DATE OF COMPLETION:** 08/19/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not within OCCs jurisdiction.

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

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

Investigative Services Unit
San Francisco Sheriff's Department
25 Van Ness Avenue, Room 320
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/08 **DATE OF COMPLETION:** 08/26/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/07 **DATE OF COMPLETION:** 08/23/08 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was detained while not engaged in illegal activity, based on a mistaken broadcast of another man's parole record. The complainant acknowledged giving his identification to the officer to show that he was not on parole. The named officer said he was engaged in a consensual encounter with the complainant and ran his name, whereupon he was informed that the complainant had a parole record. Department records indicated that the officer was informed improperly that the complainant was on parole. Three witness officers said they were not present at the initial detention, and did not see what led to it. The evidence proved the acts, which provided the basis for the allegation, 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 named officer said he did not recall what he said. Three witness officers said they did not hear the alleged profanity. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/07 **DATE OF COMPLETION:** 08/23/08 **PAGE #** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the arresting officer was informed that there was confusion about his identity and failed to heed an instruction not to arrest him solely on the record broadcast by dispatchers. Department records and testimony by three witness officers indicated that the named officer was not immediately informed of the identity confusion. The evidence proved the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that he was arrested based on his appearance and while he was not engaged in illegal activity, based on mistaken identity. The named officer denied the allegation, stating that he arrested the complainant after suspicion emerged during a consensual encounter that he started because he thought the complainant had prison tattoos. The named officer acknowledged that the complainant maintained he was not on parole, as his record showed. Three witness officers said they were not present at the outset of the encounter, but said the complainant was arrested when they found a gun in his possession. Department records showed that there was information available about the mistaken identity but it was not clear whether the officers fully pursued the correct identity of the complainant before searching him and finding the gun. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/07 **DATE OF COMPLETION:** 08/23/08 **PAGE #** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated his vehicle was searched improperly because officers said he was on parole when he was not. The named and two witness officers denied the allegations, saying that they were informed by a police dispatcher that the complainant was on parole and relied on that information to justify a search. Department records indicated that the officers were informed that the complainant was on parole, and that there was no information about the identity mix-up broadcast to the officers before they searched the complainant's car. The evidence proved the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/04/07 **DATE OF COMPLETION:** 08/23/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer arrested the complainants' sons without cause.

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

FINDINGS OF FACT The complainants allege the officer arrested their sons without cause. The officer stated she arrested the complainants' sons for assault and robbery. The evidence shows that the victim suffered visible injuries on various parts of his body. The victim's cellular phone and money were recovered from the complainants' sons. The evidence further shows that the officer had probable cause to make an arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. Therefore the arrest was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer arrested the complainants' sons without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/04/07 **DATE OF COMPLETION:** 08/23/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT The complainant alleges the officer made inappropriate comments. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Neglect of Duty for failure to take an Incident Report.

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

FINDINGS OF FACT: The complainant did not report criminal activity to the officers she spoke with, so the officers had no duty to write an Incident Report about what she told them. 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: 09/28/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved and/or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer told him of his responsibilities as a California driver under the California Vehicle Code. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force when the officer grabbed his wrist. The officer stated he used a bent wrist control to assist the complainant to his feet. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer would not let him into his residence. The officer stated that he and his partner were investigating an incident between the complainant and the residence desk clerk. The officer stated he asked the complainant to stay outside while the officers investigated the situation and interviewed any and all subjects and witnesses inside the residence. A preponderance of the evidence proved that the officer acted in a reasonable and prudent manner when he requested the complainant to step outside during the investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION #1: The officer used sexual slurs.

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

FINDINGS OF FACT: The officer denied the allegation. No witness was on scene for the entire contact. One witness who was not present at the beginning of the contact stated he did not hear the officer use sexual slurs. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. No witness was on scene for the entire contact. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant admitted that he was backing away from the officer and was acting out at the scene after yelling and striking a passing vehicle with his hand or fist. The officer stated he asked the complainant to calm down and to remain where he was while the officer investigated the incident. The officer stated the complainant created an unsafe situation by his refusal to comply or cooperate with the officer. The evidence showed that the officer was justified and acted properly when he handcuffed the complainant .

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

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

FINDINGS OF FACT: The officer arrested the complainant for violations of PC 243 (battery) and violations of PC 148.6, delaying and resisting arrest. A witness confirmed that the complainant was physically struggling and resisting the verbal and physical efforts of the officer to place the complainant into custody. The evidence proved that the act alleged in the allegation did occur, however, using as an applicable standard the policies of the Department, the officer's actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #5: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that he touched the officer's chest and the officer then tried to take him into custody. The officer stated he had placed one handcuff on the wrist of the complainant when the complainant spun around, tripped the officer, causing the officer to fall to the ground. The officer stated he felt the complainant reach for and tug at his holstered firearm. The officer stated he punched the complainant once in the mouth and placed the complainant in a headlock to prevent the complainant from gaining control of the firearm. A witness stated he believed the complainant was going for the officer's holstered gun. The witness stated he was concerned that the complainant would gain control of the firearm and harm the officer and others in the area. The witness then came to the officer's aid and assisted the officer in handcuffing and controlling the complainant. The evidence proved that the act alleged in the complaint did occur, however said act was proper and appropriate.

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

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

FINDINGS OF FACT: The complainant stated the officer wrote an inaccurate report in regards to the complainant's contact with the passing vehicle. The officer denied the allegation and stated his report was complete and accurate. No witness came forward who observed the contact between the complainant and the passing vehicle.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #7: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that the handcuffs were tightly placed on his wrists and that he complained about this to many officers. All officers and one independent witness denied that the complainant stated the handcuffs needed to be loosened or were on too tight. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8-9: The officers failed led to provide medical attention at the scene.

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

FINDINGS OF FACT: The complainant stated he had a cut on his head and a cut lip sustained during the violent struggle to arrest the complainant. The officer stated he called for an ambulance to come to the scene. However, the complainant was transported to the station within a matter of minutes of the arrest where he was met by paramedics and treated before being transferred to San Francisco General Hospital. The officer stated that while at the scene, he had another officer provide the complainant with a cloth for the cut on the head, which was not bleeding very much. Department policy states that unless an injury is life threatening or associated with great pain or suffering, an officer is permitted to transport a prisoner to the station whereupon a medical assessment can be performed. In this case the complainant did not have a life threatening injury and no person heard him make complaints of pain. Pursuant to department policies, the officer acted appropriately.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #10: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated a female officer made an inappropriate comment at the station. Two female officers denied making the comment and no other person heard the comment made. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/07 **DATE OF COMPLETION:** 08/16/08 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The evidence showed that the named member was not involved in the incident.

SUMMARY OF ALLEGATIONS #2-#4: The officers used excessive force.

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

FINDINGS OF FACT: The officers denied the allegation. The complainant admitted that the arrestee resisted arrest. The complainant admitted to protesting the officers arrest techniques. The co-complainant's account of the incident were inconsistent with the complainant's account. No other witness responded to the OCC's request for interview. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/07 **DATE OF COMPLETION:** 08/16/08 **PAGE# 2 of 4**

SUMMARY OF ALLEGATIONS #5-#6: The officers failed to take required action.

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

FINDINGS OF FACT: The officers identified themselves in the most practical and timely manner under the circumstances. There was no second officer specifically identified during the investigation. The actions of the officers were justified and proper.

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

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

FINDINGS OF FACT: The evidence showed that the named member was not involved in the incident.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/07 **DATE OF COMPLETION:** 08/16/08 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #8-#9: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The named member denied the allegation. Other officers at the scene denied behaving or witnessing the alleged behavior. No other witness responded to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #10-#11: The officers made inappropriate comments.

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

FINDINGS OF FACT: The named member denied making the alleged comments. Other officers at the scene denied making or hearing the alleged comments. No other witness responded to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/07 **DATE OF COMPLETION:** 08/16/08 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #12: The officer failed to provide his star number upon request.

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

FINDINGS OF FACT: The officer denied the allegation. Other officers at the scene denied hearing the request by the complainant. No other witness responded to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/07 **DATE OF COMPLETION:** 08/18/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer's assessment of the evidence at the scene is inconsistent with the statements of the complainant and witness. Based on the officer's assessment he was not required to take a report. However, due to the conflicting evidence as presented by the complainant and witness it cannot be said that the officer's decision not to take a report was proper. A dispositive finding cannot be reached.

SUMMARY OF ALLEGATION 2: The officer used profanity.

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

FINDINGS OF FACT: The officer admitted to the use of profanity. DGO 2.01 unequivocal in its prohibition against the use of profanity. The officer's use of the profanity is sustained.

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DATE OF COMPLAINT: 11/08/07 **DATE OF COMPLETION:** 08/18/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION 3: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The officer denied using the exact language alleged by the complainant. A witness officer denied hearing the officer use the exact language alleged by the complainant. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/07 **DATE OF COMPLETION:** 08/12/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer cited her for running a red light. The complainant said she did not run the red light. The officer denied the allegation. The witness did not recall the complainant running a red light. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer was unprofessional, rude, yelled and intimidated her. The officer denied the allegation. The witness stated that the officer did not answer her when she asked what they had done wrong and when she pointed out that he could not have seen them run a red light if he was ahead of them in traffic. The witness said the complainant “grabbed” the pen, then corrected herself and said, “took” the pen. Both the complainant and the witness describe themselves as 21-year-old college students, who just do not understand why the officer “yelled” at them and refused to address the witness’ remarks to him. Neither the complainant nor the witness describe any specifically abusive language. Rather, they describe a situation where they repeatedly questioned the officer’s action of citing the complainant and their dissatisfaction with the outcome.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to follow proper procedures as detailed in Department General Order 7.01.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he conducted an arrest search of the complainant's sweatshirt pouch only, due to limitations of her sex and age. The witness officer corroborated that the named officer searched only the complainant's sweatshirt pouch. The named officer and four witness officers stated a female unit was unavailable to conduct an arrest search of the complainant. OCC corroborated there were no available female units during the time of incident. The complainant acknowledged she displayed abusive behavior towards the officers. Based on the escalation of the complainant's behavior, it was imperative that the complainant be pat searched for officer safety prior to transporting. 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 unnecessary force during an arrest.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he placed the complainant in the back of the police car and fastened her seatbelt. The officer stated when he reached over the complainant to fasten her seatbelt, the complainant spit in his face. The officer said he put his hands up to block the complainant from spitting again and closed the patrol door. The officer stated he did not punch or use any force on the complainant to retaliate against her spitting on him. The witness officer did not observe the complainant spit on the named officer nor did he observe the officer use any force on the complainant in any way. The witness officer said he observed the named officer attempt to place a seatbelt on the complainant and saw the officer put his hand up to block the complainant from spitting again and saw the officer close the patrol door. All five-witness officers did not observe the named officer strike the complainant at any time during the incident.

The complainant admitted spitting on two officers and stated she would not take medication for her anger problem. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/07 **DATE OF COMPLETION:** 08/29/08 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer used unnecessary force during an arrest.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the complainant yelled, used profanity and attempted to spit on him and other officers at the scene. The officer said he was forced to tape a piece of paper on the cage of the patrol car to prevent the complainant from spitting on him. During the transport, the complainant blew the paper down and again attempted to spit on the named officer. Once at the back door of the station, the officer requested the complainant turn around to disallow her from viewing the security code. The officer said the complainant used abusive profanity towards him. He attempted to turn the complainant away from the door so he could enter the access code. The complainant spun towards the named officer and attempted to kick his legs. The officer said he stepped aside to avoid the kick. The complainant attempted to shove him in the chest with her body. The named officer stated he affected a leg sweep takedown and assisted the complainant to the ground. The complainant continued to fight. The officer was eventually able to control the complainant and enter the access code for the door to enter the station. The named officer denied punching, kicking or pulling the complainant's hair during the entire incident. The officer said he did not use any reportable use of force on the complainant, and she did not have any injuries or complain of pain.

The complainant admitted spitting on two officers, and verbally refusing to cooperate with the named officer. The complainant acknowledged she has an anger problem and goes to therapy for her anger. The complainant told OCC that the medical staff has tried to give her medication for her anger, yet she has refused to take the medication. There were no other witnesses.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/07 **DATE OF COMPLETION:** 08/23/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer said he was not involved in a verbal confrontation with a motorist while directing heavy traffic that would have been out of the ordinary. The officer also denied telling his sergeant that he yelled at a motorist. The witness officer said he has never heard the named officer raise his voice when dealing with motorists. The witness sergeant said he responded to the named officer's location and found him to be calm and professional. The sergeant stated the officer told him he did yell at a confused driver for almost running into him with her car.

A witness and friend of the complainant stated she was on the cell phone with the complainant when she heard an officer speaking loud and threatening to the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he did not make any profane comments to any motorist that evening while directing heavy traffic. The officer also denied telling his sergeant that he yelled at a motorist. The witness officer said he has never heard the named officer raise his voice when dealing with motorists. The witness sergeant said he responded to the named officer's location and found him to be calm and professional. The sergeant stated the officer told him he did yell at a confused driver for almost running into him with her car.

A witness and friend of the complainant stated she was on the cell phone with the complainant when she heard an officer become verbally abusive and use profanity to the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/07 **DATE OF COMPLETION:** 08/21/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complaint raised matters not rational with OCC jurisdiction and has been referred to:

Management Control Division
Commanding Officer/OIC
850 Bryant Street, #545
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: 12/18/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The complainant said there was no medical treatment provided to him while he was unconscious from a seizure. The officer stated the complainant sustained facial injuries before the officers arrived at the scene and was treated by paramedics. The officer stated the complainant did not sustain new injuries nor request medical attention or complain of injuries. The officer denied the complainant had a seizure that required medical attention. There were no other witnesses during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer placed him in a headlock, punched him, and jammed his knee into his ear. The complainant further said the officer forced his head into the counter area at the station and subsequently resulted in a seizure and being unconscious. The complainant stated he did not resist the officer during his detention at the station. The officer stated the complainant attempted to escape and a slight struggle ensued. The officer said there was no medical treatment requested by the complainant or rendered due to no complaint of injuries or new visible injuries. There were no other witnesses at the time of the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used an inappropriate comment against the complainant.

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

FINDINGS OF FACT: The complainant said the officer made an inappropriate comment. The officer denied the allegation. There were no other witnesses at the time of the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer punched and shoved him while being booked at the station. The officer stated the complainant tried to escape and a struggle ensued. The officer said the complainant did not sustain any injuries from the officers at the station and did not request medical treatment or aid. The officer said the complainant sustained prior facial injuries from being struck by another person before the officers arrived at the arrest scene. The officer requested paramedics to the scene and the complainant was examined and treated before transport to the station. There were no independent witnesses to the contact at the station. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/07 **DATE OF COMPLETION:** 08/08/08 **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 alleged he was detained without justification. The officer stated he detained the complainant because the complainant was on active California Department of Corrections parole and was loitering in a high narcotics area with another suspected narcotics dealer. The complainant admitted that he was on active California Department of Corrections parole. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant alleged he was detained without justification. In addition, the complainant alleged the officer searched his vehicle without cause. The officer stated he detained the complainant and searched the complainant's vehicle because he was on active California Department of Corrections parole and was loitering in a high narcotics area with another suspected narcotics dealer. The complainant admitted that he was on active California Department of Corrections parole. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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DATE OF COMPLAINT: 01/12/07 **DATE OF COMPLETION:** 08/22/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The named members stated that they took the complainant into custody because he threatened to kill his neighbor and the neighbor's husband signed a citizen's arrest form. The police report regarding the incident indeed contained a copy of a signed CA. The complainant stated to the Office of Citizen Complaints that he never threatened anyone and that the neighbors lied to the officers because of their bias against him. The evidence shows that the officers had probable cause to arrest the complainant. The evidence proves that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly investigate the incident.

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

FINDINGS OF FACT: The complainant stated that the officer did not speak with other tenants in the building to determine whether the complainant's neighbors were indeed biased against him and were lying about the incident. The named members did not recall whether they, in fact, interviewed anyone else other than the parties directly involved in the incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that the police report regarding his arrest inaccurately described the events of this incident. The named member stated that his report was the actual summary of the facts as they occurred at the time. His partner also stated that the report accurately reflected what happened at the scene of this incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer handcuffed the complainant excessively tight.

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

FINDINGS OF FACT: The complainant could not identify the officer who allegedly placed him in excessively tight handcuffs. Two officers who were handling this incident denied that the complainant's handcuffs were tight. No other witnesses were present during this aspect of the incident. The available evidence was insufficient to name any specific member and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that a personal item was removed from him during the search but was never properly inventoried or accounted for. The complainant could not specifically point as to which officer seized this personal property from his person. Two arresting officers denied seizing the said property item from the complainant. There were no other witnesses to this aspect of the incident. The available evidence was insufficient to name any specific member and to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #8: The officer acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant could not specifically identify the officer who engaged in the alleged misconduct. Two arresting officers denied acting in the said manner and/or making the alleged comments. There were no other witnesses to this aspect of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/19/07 **DATE OF COMPLETION:** 08/23/08 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant did not respond to requests from the OCC to be interviewed. The complainant did not provide evidence that an Incident Report was required in this case. The officer stated that the elements of a crime were not reported to him during this incident, and therefore no Incident Report was required. The officer stated 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/08 **DATE OF COMPLETION:** 08/14/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officers mishandled and lost his property. The officers stated they did not recall seeing the complainant's specific property nor were they notified by the complainant. The officers processed the complainant's other personal property accordingly. The complainant signed the Property Receipt and the complainant's friend signed the Property Release forms. 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: 01/30/07 **DATE OF COMPLETION:** 08/19/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-5: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The officers entered pursuant to valid search conditions against both complainant and another individual.

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

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

FINDINGS OF FACT: The officers were lawfully within the premises and were justified in detaining all individuals for purposes of investigation pursuant to a valid probation search and for officers' safety.

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DATE OF COMPLAINT: 01/30/07 **DATE OF COMPLETION:** 08/19/08 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #8-9: The officers searched and seized property in the complainant's residence without cause.

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

FINDINGS OF FACT: The officers searched for and seized contraband and evidence pursuant to a valid search condition.

SUMMARY OF ALLEGATIONS #10-11: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The police properly searched the complainant, who had a condition of probation allowing for a warrantless search. They arrested him for possession of drugs for sale, and the complainant pled guilty to this charge in court.

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SUMMARY OF ALLEGATIONS #12: The officer planted drugs on the complainant.

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

FINDINGS OF FACT: No evidence was developed to substantiate the allegation.

SUMMARY OF ALLEGATIONS #13: The officers harassed the complainant.

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

FINDINGS OF FACT: No evidence was developed to substantiate the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/08 **DATE OF COMPLETION:** 08/16/08 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officer blocked the driveway to his apartment complex garage and argued with the complainant. The officer stated he was conducting a traffic stop and, for officer safety reasons, was unable to immediately move out of the driveway top accommodate the complainant. The officer's actions did not rise to the level of misconduct.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The named member stated that he detained and arrested the complainant for driving under the influence and getting involved in a collision. The complainant acknowledged to the OCC that he was, in fact, intoxicated at the time of this incident. After filing this complaint, in the subsequent court proceedings, the complainant plead guilty to the charges stemming from the arrest. The available evidence showed that the officer's decision to take the complainant into custody was justified and proper under the circumstances.

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

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

FINDINGS OF FACT: The named member denied using excessive force during the complainant's arrest. This statement was supported by another officer involved in the incident. The complainant's medical records relevant to this incident were inconclusive. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/02/07 **DATE OF COMPLETION:** 08/29/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer did not give him a Miranda advisement. The named member stated that he, in fact, provided Miranda advisement to the complainant prior to conducting a DUI chemical test. In his OCC interview, the complainant stated that the officer asked him several questions of which he understood and answered only two. The OCC found that the nature of questions answered by the complainant did not necessitate Miranda advisement; no such advisement was required before the DUI test either. The evidence showed that the misconduct alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #4: The officer failed to provide an interpreter to the complainant.

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

FINDINGS OF FACT: The complainant, who is a Limited English Proficient (LEP) individual stated that he requested an interpreter at the scene but none was provided. The named member stated that he, in fact, attempted to summon a Russian-speaking officer via the Communications. The Department records showed that the officer indeed made such an attempt at the scene no Russian speaking members were available at the time. The Department regulations concerning Interpreter services do not impose a duty but rather recommend members “to seek the assistance of a bilingual officer, interpreter or the language line” in police contacts with LEP individuals. Given the time and location of the incident, the officer’s attempt to obtain an interpreter for an LEP complainant was reasonable and sufficient under the circumstances.

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

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

FINDINGS OF FACT: The named member denied the alleged misconduct. Another officer involved in this incident supported this statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: