

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:01/31/05 DATE OF COMPLETION:09/30/05 PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer mischaracterized the complainant's behavior in his incident report and misquoted the complainant as well. The officer denied the allegation. The other witnesses on the scene corroborated the officer's reported observations of the complainant, however, none of the witnesses could corroborate the reported quote, attributed to the complainant, as they were not present for the officer's entire conversation with the complainant. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 02/07/05 **DATE OF COMPLETION:** 09/25/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer subjected the complainant to unnecessary force during his arrest.

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

**FINDINGS OF FACT:** The complainant stated that he was beaten and thrown against a parking meter. The officer denied the allegation. Medical records were inconclusive. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

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

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

**FINDINGS OF FACT:** The complainant stated that the officer told him he would wipe the street with the complainant's body. The officer denied the allegation. The officer's partner corroborated the officer's statement. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 02/18/05 **DATE OF COMPLETION:** 09/19/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer yelled, used uncivil language, and attempted to intimidate him. The officer denied the allegation. No Witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer punched him in the chest. The officer denied the allegation. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 02/18/05 **DATE OF COMPLETION:** 09/19/05 **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer ordered him to leave the area. The officer denied the allegation. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer was argumentative and yelling at her sister during a traffic citation stop. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 03/03/05 **DATE OF COMPLETION:** 09/12/05 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer behaved in a threatening and intimidating manner toward the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officer screamed and yelled at him and threatened to take him to jail. The officer denied the allegation. A witness failed to corroborate the complainant's allegation. No other witnesses responded to our requests to be interviewed. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The police received a call about a subject hanging out at a park staring at some kids. The complainant fit the description of the suspect and was detained. 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 used excessive force during the contact.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness did not see any physical contact between the complainant and the officer. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer stated that the complainant refused his order to get on the sidewalk and began arguing with the officer, pointing a lit cigarette close to his face. The officer's partner confirmed this. The complainant acknowledged that she cursed and argued with the officers. The complainant's son stated that his mother was standing in the street, arguing with the officers while holding a lit cigarette in her hand. He denied that she poked the cigarette at the officer's face. The investigation did not disclose sufficient evidence to further 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 stated that she was cited wrongfully for jaywalking. According to the officer and the citation, the complainant was cited for violating CVC §21954(a), pedestrian failing to yield to traffic. The officer and his partner stated that, while the complainant was standing in the street several vehicles had to go around her. The complainant's son stated that his mother was cursing at the officers while standing in the street, and was cited because she would not get back into her car. There was no independent evidence to establish whether or not the complainant failed to yield to traffic. The investigation did not disclose sufficient evidence to further prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #3:** The officer failed to provide identification upon request.

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

**FINDINGS OF FACT:** The complainant obtained the officer's badge number at the scene. The officer stated that he provided his badge number and his name, spelling it out for the complainant. The officer's partner confirmed this. The complainant's son stated that the officer did not provide identification. The complainant's daughter stated that the complainant obtained the officer's identification from his uniform. There were no other available witnesses. The investigation did not disclose sufficient evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #4-5:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The officers denied this allegation. The statements of two witnesses did not support this allegation. There were no other available witnesses. The investigation did not disclose sufficient evidence to further prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on 7/21/05.

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

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on 7/21/05.

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**SUMMARY OF ALLEGATION #5:** The officer failed to thoroughly investigate.

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

**FINDINGS OF FACT:** The complainant stated that the officer preliminarily investigated his burglarized vehicle but refused to summon Crime Scene Investigations (CSI) to respond and fingerprint his vehicle. The officer denied the allegation, stating Department policy precluded CSI investigators from responding to this type of incident. The OCC investigation determined that the officer complied with Department policy in his investigation of the complainant's burglarized vehicle.

**SUMMARY OF ALLEGATION #6:** The officer exhibited inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that, while the officer sympathized with his being victimized, the officer was apathetic in noting there was little he could do to assist the complainant. The officer denied the allegation, stating he conducted a thorough investigation and that the complainant requested his business card to commend him to his commanding officer. The OCC investigation determined that the officer conducted a proper investigation, such that the officer's noting an inability to do more was factual and did not rise to the level of misconduct.

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

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

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

**SUMMARY OF ALLEGATIONS #2:** The officer detained the complainant due to bias.

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

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

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**SUMMARY OF ALLEGATIONS #3:** The officer intentionally tightened the handcuffs.

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

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

**SUMMARY OF ALLEGATIONS #4:** The officer behaved in a threatening and intimidating manner.

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

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

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**SUMMARY OF ALLEGATIONS #5:** The officer transported the complainant and his wife to a police station without justification.

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

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

**SUMMARY OF ALLEGATIONS #6-7:** The officer(s) inappropriately inquired about individual's immigration status.

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

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

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**SUMMARY OF ALLEGATION #8:** The officer arrested the complainant due to bias.

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

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

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-2:** The officers used excessive force.

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

**FINDINGS OF FACT:** The complainant stated that he was standing at a corner when he saw the police. Knowing that he had an outstanding warrant, he ran from the police. The complainant stated that he was attempting to scale a fence when the police grabbed him, preventing him from entering the playground full of children. When he continued to try to get away by kicking the two officers and clinging to the fence, the complainant stated that police struck him with a flashlight and baton. Shortly thereafter, he was taken into custody. The officers' accounts of what happened were consistent with that of the complainant's. There were no witnesses to this portion of the event; however, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #3-4:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant alleged that the officers used unnecessary force. The officers and other officers denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he was struck in the head with a flashlight while he was in handcuffs. All of the officers on the scene denied the allegation. Civilian witnesses stated that they did not see the complainant being struck with any object. No other witnesses were identified. There was insufficient evidence to either identify the officer involved or prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that officers on the scene failed to take any action to prevent him from being assaulted by other officers. All of the officers on the scene denied that excessive force was used during the arrest. Civilian witnesses denied witnessing any use of excessive force. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer's comments and behavior was inappropriate.

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

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

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

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

**FINDINGS OF FACT:** The officer denied the allegation. Departmental forms bearing the complainant's signature support the officer's version of the incident. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS#2-3:** The officers failed to take a required action and have an ADA interpreter present.

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

**FINDINGS OF FACT:** The officer denied the allegation and noted the complainant was communicating with them and made no request for an interpreter. However, there was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #4:** The officer made a rude comment to the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. However, there was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

**CATEGORY OF CONDUCT:**      **FINDING:**      **DEPT. ACTION:**0

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION # 1-3:** The officers searched a residence without cause.

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

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

**SUMMARY OF ALLEGATION # 4-5:** The officers behaved in an inappropriate, threatening, and intimidating manner.

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

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

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**SUMMARY OF ALLEGATION #6-8:** The officers detained the complainant without justification.

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

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

**SUMMARY OF ALLEGATION #9-11:** The officers arrested the complainant without cause.

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

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

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**SUMMARY OF ALLEGATION #12:** The officer(s) failed to Mirandize the complainant.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1-4:** The officers used excessive force during complainant's arrest.

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

**FINDINGS OF FACT:** The complainant admitted committing a terrorist act and evading SFPD contact. The officers seized the opportunity to apprehend the complainant, as he briefly left his apartment, by grabbing the complainant and controlling him on a stairway to effect his arrest. The OCC investigation determined that the officers used reasonable force to apprehend the complainant. There was no evidence of physical injury. The evidence proved that the alleged act occurred; however, said act was justified and proper.

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

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

**FINDINGS OF FACT:** The complainant stated that he did not consent to the officers searching his residence. The officers stated their right to search the complainant's residence for evidence (i.e., bomb materials) of the complainant's terrorist threats. The OCC investigation determined the officers' search to be proper in that the officers searched for criminal evidence, incident to the complainant's arrest, in a location (complainant's apartment) where the complainant had been at the time of his criminal offense. The evidence proved that the alleged act occurred; however, said act was justified and proper.

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**SUMMARY OF ALLEGATION #7:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated the officer failed to medically evaluate his mental health prior to making a determination to arrest him at the scene. SFPD Department General Order 6.14 permits officers to arrest and book a person who has committed a crime and then to request Jail Psychiatric Services to evaluate the arrestee. As the officer had no affirmative duty to evaluate the complainant's mental health prior to his arrest, the officer's conduct was proper.

**SUMMARY OF ALLEGATION #8:** The officer made a misrepresentation.

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

**FINDINGS OF FACT:** The complainant stated that the officer misrepresented to him and the complainant's friends where he was to be taken upon his being taken into custody. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #9-10:** The officers failed to timely report a communicable disease.

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

**FINDINGS OF FACT:** The complainant stated that he told the officers of his contagious disease but they failed to report this information. The officers denied the allegation. The OCC investigation determined that the potentially contagious disease was properly reported both in the incident report and in a "Report of Contagious Disease," SFPD Form 348, in compliance with Department Bulletin 02-094.

**SUMMARY OF ALLEGATION #11:** The officers failed to secure the residence.

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

**FINDINGS OF FACT:** The complainant stated that he asked the officer to retrieve his apartment keys and secure his apartment, which he believes was not done. The officer denied the allegation, noting that the residence was secured as a crime scene. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #12:** The officer(s) failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated that the officers unjustifiably seized his medication bottles/pills. The officers acknowledged the complainant's medication bottles/pills were seized, however, those officers questioned did not know who seized the property. Under Department General Order 6.14 III. J., officers are required to seize medications, for those suspects requiring psychological examination, and deliver them to the jail, as was properly done here.

**OCC Added Allegation:**

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

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

**FINDINGS OF FACT:** The complainant stated that he complained of pain, resulting from the police action during his apprehension and arrest, which should have been reported. The officer denied the allegation, stating that the use of force was appropriate and the complainant made no complaint of pain or injury. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he was detained at the district station after he made a report of domestic violence. The officers stated that after interviewing the complainant, they responded to the complainant's house and interviewed the complainant's wife, who had visible injuries. The officers stated that they notified the station to detain the complainant for further investigation. The station duty officer and the station keeper stated that they did not recall the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The officer denied yelling at, or threatening, the complainant. An officer at the scene stated that the officer did not yell at, or threaten, the complainant. The station duty officer and the station keeper stated that they did not recall the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he was arrested after he made a report of domestic violence. The officers stated that they arrested the complainant as well as his wife. The officers stated that both parties had visible injuries and their accounts of the event were inconsistent. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #7:** The officer failed to advise the complainant of his Miranda Rights.

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

**FINDINGS OF FACT:** The officer stated that he advised the complainant of his Miranda Rights before questioning him. The station duty officer and the station keeper did not recall the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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**SUMMARY OF ALLEGATION #8:** The officer searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that while he was detained at the district station, officers searched his home. The complainant could not identify these officers. The complainant's wife declined to provide a statement to the Office of Citizen Complaints. The arresting officers stated that a sergeant responded to the scene to provide advice to the officers and did not search the apartment. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that she was holding an open container of beer at the Union Street fair and was unaware that open containers were prohibited. The officer approached the complainant and ordered her to dispose of the beer. The officer stated that open containers of alcohol were prohibited except inside specified and clearly marked beer gardens, and that the complainant was outside such a designated area. The evidence established that the officer's actions were proper.

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

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

**FINDINGS OF FACT:** The complainant stated that she was holding an open container of beer at the Union Street fair and was unaware of the prohibition against drinking from an open container of alcohol except in designated areas at the fair. The officer approached the complainant and ordered her to dispose of the beer. When the complainant told the officer to "chill out," he grabbed the complainant by the arm, twisted her arm behind her back, and led her twenty to twenty-five feet away, pinning her against the wall of a building on the corner. The officer maintained his hold on the complainant, despite the fact that the complainant was not resisting. Civilian witnesses who were friends of, or related to, the complainant stated that the officer grabbed the complainant by the arm and led her to the side of a building, despite the fact that the complainant was not resisting. The named officer stated that when he directed the complainant to dispose of or relinquish her beer, she cocked the hand holding the beer back as if to use it as a weapon, and that he grabbed her by the wrist or arm and led her to the side of a building on a nearby corner. The named officer stated that he maintained this control hold after they reached the side of the building and after the beer had been removed from the complainant's possession, despite the fact that the complainant was not physically resisting or threatening to resist, and despite a significant size difference between him and the complainant. A supervisor who arrived on the scene stated that he directed the named officer to release the complainant because the situation needed to be deescalated. The evidence established that while the officer's initial use of force in the form of grasping the complainant's wrist/arm in a control hold may have been justified, his continued use of this physical control hold after the complainant was moved to the sidewalk was unwarranted.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/07/05      **DATE OF COMPLETION:** 09/30/05      **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer made inappropriate comments to the complainant.

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

**FINDINGS OF FACT:** The complainant stated that she was holding an open container of beer at the Union Street fair and was unaware of the prohibition against drinking from an open container of alcohol except in designated areas at the fair. The officer approached the complainant and ordered her to dispose of the beer. When the complainant told the officer to “chill out,” he grabbed the complainant by the arm, twisted her arm behind her back, and led her twenty to twenty-five feet away, pinning her against the wall of a building on the corner. The complainant stated that the officer threatened to take her to the police station. The complainant’s sister stated that she heard the named officer threaten to take the complainant to the police station. The named officer stated it is possible that he threatened to take the complainant to the station. The evidence established that at the time, the officer was detaining the complainant for a municipal code infraction only, had not determined that the complainant was inebriated in public, and therefore lacked justification to make a custodial arrest, or to threaten to take the complainant to the police station. The evidence therefore established that the officer made an inappropriate comment to the complainant when he threatened to take her to the police station.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/14/05 **DATE OF COMPLETION:** 09/15/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant did not respond to OCC requests for an interview, and provided insufficient information to further the investigation.

**SUMMARY OF ALLEGATION #2:** The officer's threats, behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant did not respond to OCC requests for an interview, and provided insufficient information to further the investigation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/14/05 **DATE OF COMPLETION:** 09/15/05 **PAGE # 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer harassed the complainant.

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

**FINDINGS OF FACT:** The complainant did not respond to OCC requests for an interview, and provided insufficient information to further the investigation.

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

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

**FINDINGS OF FACT:** The complainant did not respond to OCC requests for an interview, and provided insufficient information to further the investigation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/20/04 **DATE OF COMPLETION:** 09/30/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he should not have been cited for not wearing a seatbelt when the vehicle did not possess a passenger-side seatbelt. The officer cited the complainant under California Vehicle Code (CVC) §27315(e) wherein the complainant is required to wear a safety belt restraint with no exceptions to this law. Additionally, the OCC investigation determined that the vehicle in which the complainant rode had a rear seat with safety belt restraints available. The officer's issuance of a citation was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #2-3:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officers used the driver's cracked windshield as a pretext to detaining him. The officers denied the allegation, stating that they exercised their discretion in detaining the vehicle for its being driven with a cracked windshield, under CVC §26710, which led to the complainant's detention, under CVC §27315(e). As the complainant and the (cited) driver admitted the windshield to be broken when the officers detained them, the officers' detention of the complainant was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/20/04 **DATE OF COMPLETION:** 09/30/05 **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #4-5:** The officers detained the motorist without justification.

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

**FINDINGS OF FACT:** As discussed in the Unwarranted Action (complainant's detention above), the officer was justified, lawful, and proper in his detention of the person who drove and transported the complainant.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer threatened to have him arrested if he did not stop speaking during the citing of the motorist for driving a vehicle w/ a cracked windshield. The officers denied this allegation. The identity of the officer allegedly making this threat was not determined. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 06/20/05 **DATE OF COMPLETION:** 09/30/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer yelled at her and rudely reprimanded her. The officer denied the allegation. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:**07/07/05 **DATE OF COMPLETION:**09/20/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The officer denied the allegation and presented documents that supported his detention of the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The officer denied the allegation and stated the pat search was procedural. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:**07/07/05 **DATE OF COMPLETION:** 09/20/05 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The officer denied the allegation and presented documents that supported his issuing a citation to the complainant. 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 #4:** The officer's behavior and comments were inappropriate and threatening.

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

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

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**DATE OF COMPLAINT:**07/19/05 **DATE OF COMPLETION:**09/30/05 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to properly investigate the matter.

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

**FINDINGS OF FACT:** The evidence proved that the acts alleged in the complaint did not occur.

**SUMMARY OF ALLEGATIONS #3-4:** The officers detained the complainant at gunpoint without justification.

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

**FINDINGS OF FACT:** The evidence proved that the acts alleged in the complaint did not occur.



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

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

**FINDINGS OF FACT:** The evidence proved that the acts alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION #6:** The officer used excessive force against the complainant during his detention.

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

**FINDINGS OF FACT:** The evidence proved that the acts alleged in the complaint did not occur.

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**DATE OF COMPLAINT:** 07/21/05 **DATE OF COMPLETION:** 09/19/05 **PAGE# 1 of 1**

**SUMMARY OF ALLEGATIONS #1-2:** The officers used excessive force during the arrest.

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

**FINDINGS OF FACT:** The complainant failed to respond to OCC requests for an interview to provide necessary information to further the investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 09/07/04 **DATE OF COMPLETION:** 09/12/05 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The named officer stated that he placed the complainant into police custody for public intoxication, for assaulting a police officer and for resisting arrest. In his OCC statement, the complainant acknowledged that he had been drinking and that he was intoxicated. The complainant also admitted pushing the officer and resisting his attempts to place him into custody. The officer's arrest of the complainant was proper.

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

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

**FINDINGS OF FACT:** The named member denied using profanity during the incident. The complainant's girlfriend told the OCC that she did not see how he got into contact with the police officer and did not hear any profanity. One witness to the occurrence declined to provide a statement to the OCC and two more witnesses did not respond to the OCC's request for an interview. The available evidence was insufficient to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 09/07/04 **DATE OF COMPLETION:** 09/12/05 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer failed to properly identify himself.

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

**FINDINGS OF FACT:** The complainant stated that the plainclothes officer failed to identify himself before taking any enforcement actions. The named member stated that he verbally identified himself to the complainant as a police officer several times and showed his star before taking enforcement action. The complainant's girlfriend told the OCC that she did not see the initial confrontation between the complainant and the officer. Another witness gave a written statement to the complainant's attorney in which he indicated that the officer gave verbal orders prior to identifying himself, but orally identified himself before the physical confrontation with the complainant. This witness did not respond to the OCC's request for an interview. One more witness to the occurrence, who gave a statement to the police at the time of the incident, asserted that the officer orally identified himself before attempting to place the complainant under arrest, but it could not be determined whether this individual saw the initial portion of the incident. Although there is corroboration that the officer failed to identify himself before issuing verbal orders, subsequent inconsistent statements, along with an admitted level of intoxication effect the credibility of the complainant and witness. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer used excessive force against the complainant.

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

**FINDINGS OF FACT:** The complainant stated that after the handcuffing, the officer slammed his face on the ground several times. The named member denied ever slamming the complainant's head on the ground. The complainant's girlfriend told the OCC that she saw the complainant's head being "slammed" on the ground but she could not describe how or if it was "slammed" or what the officer did. The complainant's friend who wrote a statement to the complainant's attorney but did not respond to the OCC's request for an interview described this part of the incident but did not fully corroborate the complainant's assertion regarding "slamming." Another witness to the occurrence declined to provide a statement to the OCC and two more witnesses did not respond to the OCC's requests for an interview. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #4:** The officer used excessive force against the complainant.

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

**FINDINGS OF FACT:** The complainant stated that two officers who transported him to the San Francisco General Hospital repeatedly jabbed him with their batons without any apparent reason. The complainant could not provide any description of the involved officers and could not recall whether they were in plainclothes or in uniform. The Department records showed that one uniformed officer drove the complainant to the San Francisco General Hospital and later to the jail. His officer denied jabbing the complainant with his baton. There were no other identifiable witnesses to this part of the incident. The available evidence was insufficient to prove or disprove the allegation or to identify the officer responsible for the alleged misconduct.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 07/20/05 **DATE OF COMPLETION:** 09/14/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant and his wife stated that the officer made inappropriate comments. The officer and two witnesses at the scene denied the allegation. Another witness could not verify or deny the allegation. However, there was conflicting evidence from the two closest witnesses as to the appropriateness of the officer's statements. 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:** 09/07/04 **DATE OF COMPLETION:** 09/25/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was unjustly arrested. The complainant stated he could not recall any details of the incident. The officers stated the complainant was resistive, combative, and attacked the officers at the scene. The officers stated the complainant refused verbal orders. A witness corroborated the officers' account of the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #5:** The officer(s) retaliated against the complainant.

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

**FINDINGS OF FACT:** The complainant stated he felt some of the officers retaliated against him because of prior contacts. The officers at the scene stated they did retaliate against the complainant. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6-8:** The officers used unnecessary force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated the officers used unnecessary force upon him. The complainant stated he could not recall the details of the incident. The officer stated the complainant was uncooperative, combative, aggressive, and attacked them. The officers used verbal orders, pepper spray, and baton strikes in order to take the complainant into custody. A witness corroborated the officers' statements. There is insufficient evidence to establish the level of force necessary to take the complainant into custody.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer was rude in tone and manner.

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

**FINDINGS OF FACT:** The complainant stated the officer was rude. The complainant stated the officer told him to leave the office. The officer stated he did not recall any contact with the complainant. The witness was not able to corroborate what transpired in regards to the allegation. There was insufficient evidence to either 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 the officer told him he talked too long and to leave the office. The officer stated he did not recall any contact with the complainant. The witness was not able to corroborate what transpired in regards to the allegation. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #3-6:** The officers failed to write a stolen vehicle report.

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

**FINDINGS OF FACT:** The complainant stated he wanted the officers to write a stolen vehicle report. All but one of the officers stated they had no contact with the complainant. However, one officer stated he referred the complainant to the Hit & Run Detail. The complainant's vehicle was involved in a hit and run traffic accident and was investigated by the Hit and Run Detail. A hit and run traffic report was completed by other officers. The witness was not able to corroborate what transpired in regards to the allegations. There was 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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**DATE OF COMPLAINT:** 07/21/05 **DATE OF COMPLETION:** 09/12/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The evidence proved that the named member was not involved in the acts alleged.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/29/05    **DATE OF COMPLETION:** 09/25/05    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The named officer stated that he observed the complainant cross four lanes of traffic from a parked position to the right turn lane without signaling, or crossing one lane at a time, eastbound Folsom St at 4<sup>th</sup> St. The officer stated that though traffic was light to moderate, he had to apply his brakes when the complainant's vehicle crossed the traffic lane that he was traveling on. The witness officer corroborated the officer's account of the violation of an improper lane change. There were no independent witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer drove his patrol vehicle improperly.

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

**FINDINGS OF FACT:** The officer denied the allegation by stating that he did not fail to signal while making lane changes after the traffic stop with the complainant. The officer further denied blocking a crosswalk in a manner that caused pedestrians to step outside the crosswalk. The witness officer corroborated the officer's account of his driving actions. There were no independent witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 07/29/05    **DATE OF COMPLETION:** 09/25/05    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer made inappropriate comments to the complainant.

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

**FINDINGS OF FACT:** The officer admitted making the statement to the complainant of, "You're lucky we didn't cite you for speeding." The officer stated that he observed the complainant speeding southbound on 4<sup>th</sup> St, from Folsom, just prior to the traffic stop. The witness officer stated that he did not hear the named officer make the alleged comments, yet corroborated that he observed the complainant make a rapid acceleration on 4<sup>th</sup> St and that he had to accelerate to 40 mph to catch up to the complainant's vehicle. There were no independent witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer was discourteous by using profanity.

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

**FINDINGS OF FACT:** The officer denied the allegation. The witness officer stated he did not hear the officer make that comment. There were no independent witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/01/05 **DATE OF COMPLETION:** 09/14/05 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department  
San Francisco Sheriff's Department  
Investigation Service Unit  
25 Van Ness Avenue, Room 25  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/02/05 **DATE OF COMPLETION:** 09/12/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant failed to cooperate with the investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 09/15/04 **DATE OF COMPLETION:** 09/16/05 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The officer was summoned to the scene to accept a private person's arrest from private security employees. Under Department General Order 5.04, the officer was required to investigate the incident to determine if sufficient probable cause existed to accept the private person's arrest. As such, the officer's detention of the complainant was required.

**SUMMARY OF ALLEGATION #2:** The officer failed to loosen complainant's handcuffs upon request.

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

**FINDINGS OF FACT:** The paramedic attending to the complainant recalled the complainant complaining of his handcuffs being too tight. The paramedic determined that the handcuffs were not too tight, in accordance with his peace officer training regarding prisoners in custody. The paramedic noted concern for his personal safety had the handcuffs been any looser. The OCC investigation further determined that the named officer did not accompany the paramedic during transport but removed the handcuffs shortly after the paramedic's unit arrived at SFGH.



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**DATE OF COMPLAINT:** 09/15/04 **DATE OF COMPLETION:** 09/16/05 **PAGE# 2 of 3**

**SUMMARY OF ALLEGATION #3:** The officer made misrepresentations.

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

**FINDINGS OF FACT:** The complainant stated that the officer told him he was not subject to an arrest; however, the officer accepted his private person's arrest from the charging party. The officer acknowledged that he did tell the complainant he was not under arrest and he did not accept a third party's private person arrest of the complainant. The officer stated that he only detained the complainant, subject to his investigation of a possible citizen's arrest to be made, which was corroborated by the officer's Incident Report.

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

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

**FINDINGS OF FACT:** The complainant stated that he requested the security guard be subject to a private person's arrest if that guard sought to have him arrested. The officer stated that he only detained the complainant, as there was no probable cause to arrest either party. The complainant also stated that the officer refused to take photographs of the complainant's injuries inflicted by his assailant. Although the officer denied the allegation, there is no San Francisco Police Department policy or procedure requiring the complainant to have photographed the complainant.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/15/04 **DATE OF COMPLETION:** 09/16/05 **PAGE# 3 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to take and tape-record his statement and refused to accept his private person's arrest against the security guard who had pepper-sprayed him. The officer denied the allegation. The OCC investigation determined the officer had no duty to tape record the complainant's interview or accept his private person's arrest of the guard. The officer did have a duty to prepare an incident report but there is insufficient evidence to prove or disprove the officer failed to prepare the complainant's statement/report.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 08/02/05 **DATE OF COMPLETION:** 09/20/05 **PAGE#** 1 **of** 1

**SUMMARY OF ALLEGATION #1:** The complainant was arrested without cause.

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

**FINDINGS OF FACT:** The evidence gathered during the investigation revealed that the officers acted in a proper and lawful manner.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:**08/04/05 **DATE OF COMPLETION:**09/14/05 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer spoke in a rude and inappropriate manner to the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. There was a witness, but the witness refused to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer spoke to the complainant in a threatening and inappropriate manner.

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

**FINDINGS OF FACT:** The officer denied the allegation. There was a witness, but the witness refused to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:**08/04/05**DATE OF COMPLETION:** 09/14/05 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to receive a citizen's arrest.

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

**FINDINGS OF FACT:** The officer denied the allegation. There was a witness, but the witness refused to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer failed to investigate the incident.

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

**FINDINGS OF FACT:** The officer denied the allegation. There was a witness, but the witness refused to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:**08/05/05 **DATE OF COMPLETION:**09/30/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The officers denied the allegation. The complainant made statements during his OCC interview that indicated there was sufficient cause to detain and subsequently arrest him. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #3-4:** The officers issued the complainant a citation without cause.

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

**FINDINGS OF FACT:** The officers denied the allegation. The complainant made statements during his OCC interview that indicated there was sufficient cause to detain and subsequently arrest him. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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**DATE OF COMPLAINT:**08/05/05 **DATE OF COMPLETION:** 09/30/05 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #5-6:** The officers handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The officers denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #7-8:** The officers used unnecessary force in the handcuffing of the complainant.

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

**FINDINGS OF FACT:** The officers denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 08/08/05    **DATE OF COMPLETION:** 09/20/05    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1 and #2:** The complainant's brother was detained without justification.

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

**FINDINGS OF FACT:** The complaint was withdrawn.

**SUMMARY OF ALLEGATION #3 and #4:** The officers misused police authority.

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

**FINDINGS OF FACT:** The complaint was withdrawn.



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**DATE OF COMPLAINT:** 08/05/05 **DATE OF COMPLETION:** 09/23/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant failed to cooperate with the investigation and did not provide additional information as requested.

**SUMMARY OF ALLEGATION #2:** The officer made sexually derogatory comments.

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

**FINDINGS OF FACT:** The complainant failed to cooperate with the investigation and did not provided additional requested information.

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

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

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

**FINDINGS OF FACT:** The officer stated that he detained the complainant in order to ascertain the well being of a child that was in the company of an adult that appeared to be behaving strangely. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officers' behavior and comments were inappropriate.

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

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

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**DATE OF COMPLAINT:** 08/10/05 **DATE OF COMPLETION:** 09/14/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The investigation revealed that enforcement actions are taken by the members of the SFPD.

**SUMMARY OF ALLEGATION #2:** The officer's behavior was inappropriate.

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

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

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**SUMMARY OF ALLEGATIONS #1-2:** The officers are harassing the complainant.

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

**FINDINGS OF FACT:** The evidence proved that the acts alleged in the complaint did not occur.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/12/05 **DATE OF COMPLETION:** 09/14/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer spoke to the complainant in a rude manner.

**CATEGORY OF CONDUCT:** D

**FINDING:** U

**DEPT. ACTION:**

**FINDINGS OF FACT:** The officer denied the allegation. The investigation concluded that the acts alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION #2:** The officer failed to provide the complainant her name and star number.

**CATEGORY OF CONDUCT:** ND

**FINDING:** U

**DEPT. ACTION:**

**FINDINGS OF FACT:** The officer denied the allegation. The investigation concluded that the acts alleged in the complaint did not occur.

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**SUMMARY OF ALLEGATION #1:** The officer made inappropriate remarks to the complainant's friend.

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

**FINDINGS OF FACT:** The officer denied the allegation. The complainant failed to provide additional requested information.

**SUMMARY OF ALLEGATION #2:** The officer issued the complainant's friend a citation without cause.

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

**FINDINGS OF FACT:** The officer denied the allegation. In the complainant's statement to OCC he admitted he was parked illegally.

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**DATE OF COMPLAINT:** 09/22/04 **DATE OF COMPLETION:** 09/30/05 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer cited the complainant for a parking violation without cause.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation, and stated that the complainant's vehicle was completely parked within the blue handicapped zone without a disabled placard. OCC attempts to interview a witness on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer cited the complainant for a parking violation without cause.

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

**FINDINGS OF FACT:** The complainant provided the location where he parked his vehicle, which OCC photographed. The preponderance of the evidence established that the complainant's vehicle was parked in a prohibited parking side of the street during the two hour period restricted for street cleaning. The officer's action was lawful and proper.

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**SUMMARY OF ALLEGATION #3:** The officer made a threatening and inappropriate remark.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation. There were no witnesses to either prove or disprove the allegation at this second location. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officers denied the allegation and denied having any prior contact with the complainant. OCC attempts to contact a witness were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 09/20/04 **DATE OF COMPLETION:** 09/20/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officer harassed the complainant.

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

**FINDINGS OF FACT:** The complainant failed to disclose necessary information to further the investigation. The complainant's witnesses did not respond to Office of Citizen Complaints requests for an interview. Office of Citizen Complaints independent attempts to identify the officer were unsuccessful.

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/18/05 **DATE OF COMPLETION:** 09/25/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant failed to provide information necessary to further the investigation of the case. Because of this lack of information, it is not clear what, if any, duty any member of San Francisco Police had in this case.

**SUMMARY OF ALLEGATION #2:** The officer acted inappropriately.

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

**FINDINGS OF FACT:** The complainant failed to provide information necessary to further the investigation of the case.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/18/05      **DATE OF COMPLETION:** 09/27/05      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer was acted inappropriately.

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

**FINDINGS OF FACT:** The complainant could not identify the officer, and San Francisco Police Department records did not reveal any officer at the scene. No San Francisco Police Department officer was assigned to a 10-B assignment or to a funeral escort detail at or near the location of the incident, pursuant to department records. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant could not identify the officer, and San Francisco Police Department records did not reveal any officer at the scene. No San Francisco Police Department officer was assigned to a 10-B assignment or to a funeral escort detail at or near the location of the incident, pursuant to department records. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:**09/28/04 **DATE OF COMPLETION:** 09/21/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer behaved in a threatening and intimidating manner.

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

**FINDINGS OF FACT:** The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:**09/28/04 **DATE OF COMPLETION:** 09/21/05 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/19/05 **DATE OF COMPLETION:**09/25/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the officer pat searched him during a traffic stop without justification. The named officer and his partner both stated that the complainant was pat searched for officer safety reasons when the complainant stopped his bicycle and was uncooperative with the officers during the contact. There were no witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2-3:** The officers acted inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The named members denied acting inappropriately and denied making disparaging comments to the complainant during this police contact. There were no witnesses to this contact. The available evidence was insufficient to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/19/05 **DATE OF COMPLETION:** 09/25/05 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The named officer and his partner stated that the complainant was handcuffed for officer safety reasons. There were no other witnesses to the officer's encounter with the complainant. The available evidence was insufficient to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer stated that he cited the complainant for running a red light. The officer also cited the complainant for not having brakes on his bicycle and for not having lights on the bicycle, both California Vehicle Code violations. The complainant admitted during his OCC interview that he saw no traffic and went through the red light while riding his bicycle. The available evidence showed that the officer actions were appropriate and lawful

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

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness officer denied that the named member drove inappropriately. There were no other known witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer used profanity and behaved in a verbally and physically threatening manner toward the complainant.

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

**FINDINGS OF FACT:** The complainant said the officer used profanity, pointed a gun at her and threatened to shoot her. The officer denied using profanity, threatening the complainant or pointing a gun at the complainant. The officer stated that at the time of the incident he had a cell phone in his hand and said he is habitually animated at using his hands and arms when he talks to people. A witness officer denied hearing the officer use profanity, threaten or point a gun at the complainant. The complainant's w companion said she watched as the officer threatened the complainant with a gun and heard the officer use profane and threatening language toward the complainant. There is insufficient evidence to prove or disprove the allegation

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**SUMMARY OF ALLEGATION #3:** The officer brandished his gun at the complainant without justification.

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

**FINDINGS OF FACT:** The officer denied pointing a gun at the complainant and stated at the time of the incident he had his cell phone in his hand and is habitually animated at using his hands and arms when he talks to people. A witness officer denied seeing the officer point a gun at the complainant. The complainant's companion said she watched as the officer threatened and pointed a gun at the complainant. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #4 and #5:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant said that as she crossed the intersection an unmarked police car drove dangerously close to her grazing her hand as it past. The complainant said she hit the police car to get the driver's attention. Complainant said the car contained two plain clothed officers. The officer from the passenger seat briefly spoke to her and the car left without having documented the incident. The officers denied the allegation or that the complainant said that their vehicle had struck her. The complainant's companion said that the complainant told the officers the car had hit her, and the officer on the passenger side of the car responded by threatening the complainant. The officers drove off. There were no other known witnesses. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6:** The officer failed to receive a citizen's complaint.

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

**FINDINGS OF FACT:** The investigation was unable to identify the officer who committed the alleged act.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer failed to accept a citizen's arrest.

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

**FINDINGS OF FACT:** The officer stated that he accepted the complainant's citizen's arrest of another citizen. The officer investigated and, within his discretion, determined that the complainant was the principal aggressor and released the other citizen per PC849(b). The officer's actions were proper.

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

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

**FINDINGS OF FACT:** According to the evidence, obtained, the officer took statements from six witnesses, and spoke to three involved parties at the scene. He accepted the complainant's citizen's complaint of another citizen, and properly issued this citizen a Certificate of Release. He properly cited the complainant and provided her with a court date. He waited for the complainant's friend so that the friend could take custody of the complainant's car. The officer then responded to two hospitals and took photographs of the complainant and the involved citizen. The officer conducted a thorough and proper investigation.

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

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

**FINDINGS OF FACT:** The complainant stated that, while at the hospital, the officer told her to “shut up.” The officer denied saying this to the complainant. The officer’s supervisor stated that he did not hear the officer tell the complainant to “shut up.” There were no other available witnesses. There was no further evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #4-5:** The officers damaged the complainant’s vehicle.

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

**FINDINGS OF FACT:** The complainant failed to provide proof that her vehicle was damaged. Both officers denied damaging the complainant’s vehicle. The investigation failed to disclose sufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** This allegation or complaint raises matters outside OCC's jurisdiction. This allegation or complaint has been referred to: United States Park Police  
Commanding Officer/Lt. Leonard  
1217 Ralston Avenue  
San Francisco, CA 94127

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer(s) entered complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant requested the withdrawal of his complaint from Office of Citizen Complaints investigation.

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

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

**FINDINGS OF FACT:** The complainant requested the withdrawal of his complaint from Office of Citizen Complaints investigation.

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**SUMMARY OF ALLEGATION #1:** The officer used unnecessary force against a citizen while he was being detained.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 10/12/04      **DATE OF COMPLETION:** 09/14/05      **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** Unwarranted Action for detaining the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that he was drinking coffee and doing laundry. The officer stated that he observed the complainant to be clearly intoxicated in public. The officer stated that he observed the complainant to have watery bloodshot eyes, a strong smell of an alcoholic beverage on his breath and person; very belligerent and stumbled when he walked. A witness officer observed the complainant with the same symptoms, in violation of 21MPC, and determined that he was unable to care for himself. No independent witnesses came forward during the investigation. The complainant failed to respond to numerous contacts to provide additional information to prove or disprove the allegation of unwarranted action for detaining without cause against the officer. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** Unwarranted Action for detaining the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that he was drinking coffee and doing laundry. The officer stated that he was not involved with the initial contact of the complainant. The officer stated that he was merely the transporting officer and did not recall any conversations with the complainant. No independent witnesses came forward during the investigation. The complainant failed to respond to numerous contacts to provide additional information to prove or disprove the allegation of unwarranted action for detaining without cause against the officer. The evidence proved that the named officer was not involved in the acts alleged.



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**SUMMARY OF ALLEGATION #3:** The officer spoke to the complainant in an inappropriate and threatening manner.

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that his demeanor was professional throughout the contact and the arrest of the complainant. The complainant failed to respond to numerous contacts to provide additional information to prove or disprove the allegation of conduct reflecting discredit for inappropriate comments or behavior against the officer. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer spoke to the complainant in an inappropriate and threatening manner.

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

**FINDINGS OF FACT:** The named officer denied the allegation by stating that he was not involved with the initial contact or interview of the complainant. The officer stated that he was the transporting officer and participated in the booking process, however, did not recall any conversations with the complainant. No independent witnesses came forward during the investigation. The complainant failed to respond to numerous contacts to provide additional information to prove or disprove the allegation of conduct reflecting discredit for inappropriate comments or behavior against the officer. The evidence proved that the named officer was not involved in the acts alleged.

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**SUMMARY OF ALLEGATION #5:** The officer failed to take required action by providing a Breathalyzer test.

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

**FINDINGS OF FACT:** The complainant stated that the officers failed to give him a Breathalyzer test to examine his blood alcohol level. The named officer stated that the complainant never requested an alcohol test. The San Francisco Police Department 69 Public Intoxication Report completed by a witness officer, likewise reflects that the complainant did not request an alcohol test. The San Francisco Police Department Booking and Detention Manual does not require officers to provide a test, however, allows arrestees to make their own arrangements to determine their blood alcohol levels. No other witnesses came forward to prove or disprove the complainant's allegation of neglect of duty for failing to take required action [breathalyzer test]. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #6:** The officer failed to take required action by providing a Breathalyzer test.

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

**FINDINGS OF FACT:** The complainant stated that the officers failed to give him a Breathalyzer test to examine his blood alcohol level. The named officer did not recall the complainant requesting a Breathalyzer test. The officer stated that he was the transporting officer and participated in the booking process, however, did not recall any conversations with the complainant. The San Francisco Police Department 69 Public Intoxication Report completed by a witness officer, likewise reflects that the complainant did not request an alcohol test. The San Francisco Police Department Booking and Detention Manual does not require officers to provide a test, however, allows arrestees to make their own arrangements to determine their blood alcohol levels. No other witnesses came forward to prove or disprove the complainant's allegation of neglect of duty for failing to take required action [breathalyzer test]. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The named officers acknowledged that they detained the complainant at gunpoint, explaining that they did so for officer and public safety while responding to a dispatched call of a man with a gun. When they initially observed the complainant, the handle of a gun was protruding from his clothing. Five witness officers denied being on the scene until after the detention was complete. Department records indicate the named officers were dispatched to respond to a report of a man with a gun and further indicate that a witness signed a citizen's arrest form attesting to the complainant's brandishing of a gun. Three witnesses failed to respond to requests for Office of Citizen Complaints interviews. There were no other witnesses. The evidence proved that the acts that provided the basis of the allegations occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #3, 4:** The officer handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The named officers acknowledged they handcuffed the complainant for officer safety when they observed the handle of a gun protruding from his clothing. Five witness officers denied seeing the detention. Department records indicate that a witness signed a citizen's arrest form attesting to the complainant's brandishing of a gun. Three witnesses failed to respond to requests for Office of Citizen Complaints interviews. There were no other witnesses. The evidence proved that the acts that provided the basis of the allegations occurred; however, such acts were justified, lawful and proper.

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**SUMMARY OF ALLEGATION #5:** The officer brandished a shotgun at the complainant without justification.

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

**FINDINGS OF FACT:** Seven officers reportedly at the scene denied brandishing a shotgun at the complainant or seeing another officer do so. Three witnesses did not respond to requests for Office of Citizen Complaints interviews. There is insufficient evidence to identify an officer or to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6, #7:** The officers displayed selective enforcement in citing the complainant.

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

**FINDINGS OF FACT:** The named officers denied the allegation that they arrested the complainant in retaliation for an earlier complaint he made about different officers at the Tenderloin Station. The named officers stated that they cited the complainant based on a reporting party's citizen arrest, and on their observation that the complainant possessed the toy gun the reporting party had seen the complainant brandish. Department records indicated that the reporting party signed a citizen arrest form. Department policy requires officers to respond to citizen arrests. Three witnesses failed to respond to requests for Office of Citizen Complaints interviews. There were no other witnesses. The evidence proved that the acts that provided the basis of the allegations occurred; however, such acts were justified, lawful and proper.

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**SUMMARY OF ALLEGATION #8, #9:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** The named officers acknowledged removing items from the complainant but denied failing to return to him a scrap of paper with an e-mail address on it. Five witness officers denied any contact with the complainant's property. Three witnesses failed to respond to requests for an Office of Citizen Complaints interview. There is insufficient evidence to either prove or disprove the allegations.

**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 comply with the knock and notice requirements.

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

**FINDINGS OF FACT:** The complainants stated that the officers forced their way into their residence. The complainants believed they were intruders and tried to close the door. The officers denied the allegation and stated that they did announce their presence in Spanish and English as they were pushing the door trying to prevent it from closing. There were no other witnesses.

**SUMMARY OF ALLEGATIONS # 3-8:** The officers entered the complainants' residence without cause.

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

**FINDINGS OF FACT:** The complainants stated that the officers entered their apartment for no reason. They stated the officer mistook their lower apartment for the one upstairs. The officers stated that they believed that the lower apartment was the one they were looking for because the door was part way open and a male was closing it as they entered the main door. The officers stated in their experience when people want to prevent them from entering they close the door on them. The officers stated the door had no number on it and they assumed it was the one they were targeting. They also stated that on the outside of the building the lower apartment is listed on top and the top apartment is listed at the bottom. The officer who wrote the Affidavit did not determine which one of the two apartments was the target because they could only investigate so far as to a location as not compromise the investigation. The officer failed to provide crucial data in his Affidavit and officers executing the search warrant failed to ask which door was the appropriate door when the landlord opened the door or to say that they had a search warrant for the apartment number they were targeting. Also, there are two clearly marked doorbells on the inside entryway and are in the correct relative positions; there was no reason to ring the bell for the lower apartment. The officers violated DGO 2.01 Rule 5.

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**SUMMARY OF ALLEGATIONS #9-14:** The officers failed to identify themselves and display their star numbers.

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

**FINDINGS OF FACT:** The complainants stated that the officers did not properly identify themselves outside or when they entered. The officers denied the allegation. They stated it was obvious that they were the police because they had their raid jackets, stars out, and were saying "Police" in Spanish and English. There were no other witnesses.

**SUMMARY OF ALLEGATIONS #15-17:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he was detained for no reason. The officers stated they believed that they were inside the correct apartment, but later realized they made a mistake. They stated complainant's behavior by closing the door is consistent with people trying to avoid them during search warrant executions, since the door was not marked they assumed it was the correct apartment. The officers failed to verify the location of the correct apartment and unlawfully detained the complainant. The officers violated DGO 2.01 Rule5 and DGO5.03 B

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**SUMMARY OF ALLEGATIONS #18:** The officer detained the complainant's wife at gunpoint without cause.

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

**FINDINGS OF FACT:** The co-complainant stated she was running towards the phone when an African American officer aimed his weapon at her face yelling in English. The officer denied the allegation. Another co-complainant, the 10-year-old girl, stated she saw the officer aim his weapon at her mother. The complainant, husband, also saw an officer aiming a weapon at his wife. The officer violated DGO 2.01 Rule 5, DGO 5.03 and DGO 5.02 and because he drew and aimed his weapon unnecessarily due to his failure to verify that this was the correct apartment and unlawfully detained the co-complainant.

**SUMMARY OF ALLEGATIONS #19-20:** The officers detained the complainant's children without justification.

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

**FINDINGS OF FACT:** The complainants stated that their children were detained for no reason. One co-complainant, 10- year-old girl, stated she was running towards the bathroom because her dad told her to hide when an African American male grabbed her and sat her on a chair. The complainant stated he saw an African American male grab his son, an 8 year old, by the arms and sat him on a chair. The officers denied having physical contact with the children. One officer stated he saw an officer give the children orders to sit on the couch. Another officer stated the children were not technically detained in other words they were restricted but not restrained. The officers violated DGO 2.01 Rule 5, 5.03 B. by failing to verify the location of the correct apartment and unlawfully detained/restricted the children.



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**SUMMARY OF ALLEGATION #21-22:** The officers used excessive force during the detentions.

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

**FINDINGS OF FACT:** The complainant stated the officers pushed him from the upper back causing him to fall two steps backwards breaking the handrail and pushed him against an aquarium. The Co-complainant stated that an officer pushed her forcefully on the couch causing pain to her back. The officers denied using excessive force. One co-complainant, 10-year-old girl, stated that she saw officers hit her dad with fists but does not recall where they made contact because she was crying. The officers violated DGO 2.01 Rule 5 and DGO 5.01. because they used more force than necessary by failing to verify the correct apartment and any actions the officers took were excessive.

**SUMMARY OF ALLEGATION #23:** The officer threatened the co-complainant.

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

**FINDINGS OF FACT:** The co-complainant stated that the officer made threatening gestures by showing his handcuffs to her insinuating that he would arrest her. The officer stated he did gesture with his handcuffs at one point because there was a language barrier and she kept yelling and screaming and she did not want to sit down. The officer violated DGO 2.01 Rule 9. because they failed to verify the location of the correct apartment and his contact and behavior towards her was improper.

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**SUMMARY OF ALLEGATION #24:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The complainants stated that the officers were in the wrong unit and believed they had a court order to search their apartment until he responded that the apartment they were looking for was the upstairs unit. The officers stated they made a mistake. The officer stated that he did not determine that the target apartment was upstairs in his affidavit because they could only investigate so far as to a location as not compromise the investigation. The officer failed to perform his duties according to Dept. policy and procedures and violated DGO 2.01 Rule 5.

**SUMMARY OF ALLEGATION #25:** The officer intentionally damaged property.

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

**FINDINGS OF FACT:** The co-complainant, landlord, stated the officers did not wait for her to open all the doors and damaged her gate, and door of lower apartment. The officers stated they gave Knock and Notice and waited more than 20 seconds and rang the bells again and still no response, so they pried the door open. There were no witnesses.

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**SUMMARY OF ALLEGATION #26:** The officer's demeanor and attitude was threatening and intimidating.

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

**FINDINGS OF FACT:** The co-complainant, landlord, stated that an African American male that contacted her regarding searching her apartment was rude, he did not allow her to observe them search the room, the officer stood with her in the living room and when she stood up from the couch he pointed his weapon at her and told her to sit down. The officer denied the allegation. There were no witnesses.

**SUMMARY OF ALLEGATION #27:** The officer used excessive force upon the co-complainant during the execution of a search warrant.

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

**FINDINGS OF FACT:** The co-complainant, landlord, stated an officer grabbed her arm and pushed her against the wall causing injury to the right arm. The officers denied having physical contact with co-complainant. They did say that when she opened the door they rushed inside and do not recall what happened to her. Another co-complainant, 10-year-old girl, stated that she saw when the landlord opened the main door and officers threw her aside as they approached the lower apartment. The co-complainant, landlord, did not tell the officers that she was injured and she did not recall which officer did this. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #28-29:** The officers seized monies from the complainant's residence without cause.

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

**FINDINGS OF FACT:** The co-complainant, landlord, and another co-complainant, her son, stated that \$1,500 dollars was missing after the officer searched their apartment. The officers denied the allegation. The officer found the money stated he gave it to the officer in-charge of Asset Forfeiture. Another officer recalled that the Asset Forfeiture Officer gave the money back to the landlord. They stated nothing was seized from the apartment. There were no witnesses

**SUMMARY OF ALLEGATION #1:** The officer failed to properly process the search warrant.

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

**FINDINGS OF FACT:** The officer did not file the return with the court within 10 days. He stated there is no special reason why the return was filed after 10 days. He then stated that although they are asked to file it within 10 days that they can't always get a judge to just sign one return because they usually want more items to be handled such as more search warrants. He also stated that when he takes the search warrant to file it with the court that they sometimes say for him to leave it there and then he will leave a folder and pick it up that same week or after so he does not know if it was filed the day he submitted it or the next day. The search warrant for this incident shows that the date of service was 10/13/04 and that the judge signed it on 10/29/04. The court log indicated the search warrant was filed on 11/9/04. The officer received SFPD training, which teaches officers to file the return within 10 days. The officer failed to file the warrant on time. Per DGO 2.01 Rule 5. Performing Duties, the officer is supposed to perform his duties promptly and according to Department policies and procedures. Also per DGO 5.16 and Penal Code Sections 1534-1537 it is his duty to make sure he gets the judge to sign the return before 10 days and for him to file it with the court before the 10 days.

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**SUMMARY OF ALLEGATIONS #1-2:** The officer's threatened the complainant.

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

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

**SUMMARY OF ALLEGATION #3:** The officer used rude and uncivil language.

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

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

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

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

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

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

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

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

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The named officers stated that they towed and impounded the vehicle for investigation because the complainant's son was using it in felony evading incident. The Office of Citizen Complaints found that the officers first engaged in an unlawful car chase. According to the relevant case law, the officers' subsequent observations, discovery and seizure of the evidence were tainted by their initial illegal actions. Thus, making the tow and impounding of the complainant's vehicle unlawful. The allegation is sustained.

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

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

**FINDINGS OF FACT:** The named member stated that together with three other officers, he responded to the complainant's residence to conduct a probation search of her son. Three other officers involved in this incident provided the same reasons for the search at the residence. The Office of Citizen Complaints found that the named member learned of the complainant's son's probation status only after engaging in the unlawful car chase that resulted in the impoundment of the complainant's vehicle and subsequent discovery of the complainant's son's probationary status. According to the relevant case law (fruits of the poisonous tree doctrine), the officers' initial unlawful actions tainted their subsequent observations, discovery and seizure of evidence. Likewise, in the framework of this case, the officer's discovery of the complainant's son's probationary status and the entry into his residence for the purpose of conducting probationary search was unlawful. The allegation is sustained.



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**SUMMARY OF ALLEGATIONS #4-6:** The officers entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The named members stated that they responded to the complainant's residence to conduct a probation search of her son. The officers further stated that they learned about the probation status of the complainant's son from the officers who impounded the vehicle that he was driving. The Department records showed that the complainant's son was, in fact, on court probation at the time of this incident. The Office of Citizen Complaints found that the officers participating in his probation search were unaware that the information of his probationary status had been obtained after an unlawful act initiated by other officers. Given the extent of the information available to the named members at the time of this incident, their actions were proper.

**SUMMARY OF ALLEGATIONS #7-10:** The officers searched the residence beyond the scope of their investigation.

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

**FINDINGS OF FACT:** The complainant stated that she allowed the officers to search only her son's room but they searched the entire house. The named members stated that they conducted a protective sweep of the residence but they conducted a probation search only in the room of the complainant's son. There were no other identifiable witnesses to this part of the incident. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #11:** The officer damaged personal property without justification.

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

**FINDINGS OF FACT:** The complainant stated that after the search at her residence, she discovered the dresser in her son's room was damaged. The complainant's son declined the Office of Citizen Complaints request for an interview and refused requests to have the dresser photographed. All officers involved in this incident denied that any property was damaged during the incident. The available evidence was insufficient to prove or disprove the allegation and to identify the officer(s) responsible for the alleged misconduct.

**SUMMARY OF ALLEGATIONS #12-13:** The officers seized personal property without cause.

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

**FINDINGS OF FACT:** The named officers stated that they seized contraband and property items during the inventory search of the complainant's car and from the complainant's residence, during the probation search of her son's room. The Office of Citizen Complaints found that prior to those searches, the officers first engaged in an unlawful car chase. According to the relevant case law (fruits of the poisonous tree doctrine), the officers' subsequent observations, discovery and seizure of the evidence were tainted by their initial illegal actions. The allegation is sustained.

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**SUMMARY OF ALLEGATION #14:** The officer failed to properly document seized property.

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

**FINDINGS OF FACT:** The complainant stated that officers removed several property items from her car and from her residence, but failed to leave a property receipt or list the items in the related police report. The report-writing officer acknowledged that several property items were booked in connection with this incident although they were not listed or accounted for in his report. The officer could offer no explanation what officer discovered the said property and from where it was seized. The allegation is sustained.

**SUMMARY OF ALLEGATION #15:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated that, in a telephone conversation, the officer lied to her about the circumstances surrounding this incident. The named member could not recall the conversation. There were no other witnesses to this part of the incident. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #16:** The officer wrote an incomplete and inaccurate report.

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

**FINDINGS OF FACT:** The named member stated that his report accurately described the events of this incident, as he knew them. However, the Office of Citizen Complaints found that some relevant and critical facts pertaining to the incident were not documented in this report, as required by the applicable Department guidelines. The allegation is sustained.

**SUMMARY OF OCC ADDED ALLEGATIONS #17:** The officers failed to follow the Department Policy on Response and Pursuit Driving.

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

**FINDINGS OF FACT:** The named members stated that their actions during the pursuit of the vehicle driven by the complainant's son were proper and within policy. The Office of Citizen Complaints found that the officers did not have sufficient reasons to initiate this emergency pursuit and they failed to provide timely and complete notification of their actions to the Communications, as required by the Department Policy. The allegation is sustained.

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**SUMMARY OF ALLEGATIONS #18-19:** The officers failed to document damage to property.

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

**FINDINGS OF FACT:** The complainant stated that after the search at her residence, she discovered the dresser in her son's room was damaged. The complainant's son declined the Office of Citizen Complaints request for an interview and refused requests to have the dresser photographed. The Department Policy requires officers to document any damage to personal property caused by their actions. The report-writing officer stated that he did not document any damage because he was not present during the search and he was unaware if anything was, in fact, damaged or broken during this police operation. The officers involved in the search of the complainant's residence stated that they did not document any damage to personal property because nothing was broken or damaged in the course of the search. The available evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #20-21:** The officers failed to properly document the tow of the complainant's vehicle.

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

**FINDINGS OF FACT:** The named members stated that they completed the required tow inventory form when towing and impounding the complainant's vehicle. Despite the officers' claim, no such form was on file at the Tow Detail, at the Records Management Unit, or was it attached to the Investigators' Bureau case file regarding this incident. The allegation is sustained.

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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 that he was walking down the street when he was stopped and detained without justification. The named and witness officer stated that they stopped and detained the complainant because he matched the description of a suspect who was reported breaking into a nearby apartment. The police report states that a civilian witness identified the complainant as the man who was trying to gain entry into apartments in his building. This civilian witness denied talking to the responding officers, but identified the complainant as a man he'd seen in the hallway of his apartment building, arguing with another tenant. Another civilian witness stated that he saw a man matching the complainant's general description in the apartment house hallway, acting irrationally and trying to gain entry into an apartment. The evidence established that the detention of the complainant was proper.

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

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

**FINDINGS OF FACT:** The complainant stated that he was walking down the street when he was stopped, detained and arrested by two police officers. The officers stated that they stopped and detained the complainant because he matched the description of a suspect who was reported breaking into a nearby apartment. The named and witness officer stated that the complainant was arrested because he appeared to be intoxicated, and because a wants and warrants check run in connection with the detention revealed an outstanding warrant for his arrest. Department records confirmed that the complainant had an outstanding warrant for his arrest. The evidence established that the action complained of was proper.

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**DATE OF COMPLAINT:** 10/25/04 **DATE OF COMPLETION:** 09/25/05 **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** This complaint raises matters outside OCC's jurisdiction.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 09/15/05 **DATE OF COMPLETION:** 09/20/05 **PAGE#** 1 of 1

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

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

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

City College of San Francisco  
Campus Police  
Attn: Chief Carl Koehler  
50 Phelan Avenue  
Cloud Hall C119  
San Francisco, CA 94112

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 09/22/05 **DATE OF COMPLETION:** 09/26/05 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer filed an inaccurate report in that she inaccurately recorded information about a man at the scene of an accident.

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that she had accurately recorded the comments of a fellow officer regarding a man in a pick-up truck at the scene of an accident, and denied she had failed to report a witness in the accident report. A witness officer said he did not recall telling the named officer of a second witness to the accident, and did not know of one. One witness to the accident said he saw two men in a pick-up truck. Another witness said she saw one man in a pick-up truck. A third witness said she saw two men in a truck but thought they left before any officer arrived. A fourth witness did not see men in a pick-up truck. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer filed an inaccurate report in that failed to record the name of a witness to an accident.

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

**FINDINGS OF FACT:** The accident report includes a reference to the witness alleged to have been omitted. The officer's conduct was proper.

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**SUMMARY OF ALLEGATION #3:** The officer was rude to the complainant.

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that she did not tell the complainant she did not believe a claim that her purse had been stolen and that she did not rudely tell the complainant to take care of her children. A witness officer denied hearing any rudeness. Two other witnesses the complainant stated were present denied that the named officer was rude. Another witness said the officer did not believe the complainant's claim of location of her residence. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer conducted a biased and faulty investigation.

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that she had fairly and thoroughly investigated the accident. The named officer denied granting more time and pen and paper to one party to the accident, and being biased in a question regarding the residence of the complainant, which she said was due to confusion and a need to confirm the identification the complainant, who had no documents with her to identify herself or her ownership of the vehicle. A witness officer denied observing anything biased in the manner the investigation was undertaken. Two witnesses stated that they did not hear the conversation between the complainant and the named officer. One of those witnesses said the officer spent more time with the complainant than the other party; the other could not recall the time spent on the investigation. Another witness said the named officer did not believe "anything [the complainant] said." That witness said there was a time differential in the interview times but did not recall what it was. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #5,#6:** The officers displayed inappropriate behavior.

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

**FINDINGS OF FACT:** The named officers denied smirking and grinning at the complainant. Three witnesses said they did not observe the interactions between the officers. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-5:** The officers failed to maintain care and custody of the arrestee.

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

**FINDINGS OF FACT:** The officers all denied the allegation, stating that the complainant was afforded all required care, including use of restroom facilities. Attempts to contact the witness were unsuccessful. There was insufficient evidence to prove or disprove the allegation alleged by the complainant.

**SUMMARY OF ALLEGATIONS #6-8:** The officers arrested and handcuffed the complainant without cause.

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

**FINDINGS OF FACT:** The officers denied the allegation, stating they were ordered to arrest the complainant by another officer conducting a buy-bust narcotics operation. The member who ordered the arrest of the suspect corroborated that he ordered the complainant's arrest. The arrest and subsequent handcuffing were proper.

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

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

**FINDINGS OF FACT:** The officer denied the allegation, stating the complainant was a suspect in a buy-bust operation. The complainant denied that he was involved in the transaction. The only civilian witness to the incident did not respond to OCC's requests to be interviewed. There is insufficient information to prove or disprove whether the complainant participated in a narcotics transaction.

**SUMMARY OF ALLEGATIONS #10-11:** The officers searched the complainant at the scene and at the station without justification.

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

**FINDINGS OF FACT:** The officers denied the allegation stating that they were ordered to arrest the complainant by another officer following the complainant's alleged involvement in a narcotics transaction. The member who ordered the complainant's arrest confirmed that the complainant was the subject in a narcotics buy-bust operation. The subsequent pat down search for contraband and weapons following his arrest, the search prior to his transport to the police station and the booking search at the station were proper. The named officers would have neglected their duties if they failed to search the complainant prior to his arrest and again, prior to his booking.

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**SUMMARY OF ALLEGATIONS #12-17:** The officers used unnecessary force at the station and at the hospital.

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

**FINDINGS OF FACT:** The officers denied the allegation stating that they removed the complainant from the police station for allegedly combative, resistive and aggressive behavior. The complainant stated that he kicked at the door of the cell, provoked officers verbally and held out his urine soaked pants to defend himself against the officers. There is a factual dispute about what actions transpired between the officers and the complainant at the station and at the hospital. Attempts to contact the witness several times, were unsuccessful. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #18:** The complainant stated that the officer applied his handcuffs too tightly at the hospital and the officers failed to loosen them.

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

**FINDINGS OF FACT:** The complainant alleged that while awaiting medical clearance at San Francisco General Hospital, he needed to urinate urgently. The complainant stated he attempted to do so using an implement found in a trashcan. When the named member observed this behavior, the officer handcuffed both of his hands to a gurney, causing him to complain of pain. The officer denied the allegation stating that the complainant was not handcuffed until he began to throw items about the examination room. The OCC attempted to retrieve the complainant's medical records, however hospital staff stated there were no records of admission for the complainant on the date in question although records confirm that the complainant was transported to the hospital on the date and approximate time in question.



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**SUMMARY OF ALLEGATION #19:** The complainant alleged that the officer drove in a negligent manner during the complainant's transport.

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

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

**SUMMARY OF ALLEGATION #1:** The officer failed to document or record the use of force.

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

**FINDINGS OF FACT:** Officers involved in subduing the complainant denied the use of reportable force. A witness to a portion of the alleged excessive force failed to respond to requests to be interviewed. There were no witnesses to other portions of the incident. There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** This complaint raises matters outside the OCC's jurisdiction. This complaint is being referred to:

Youth Guidance Center  
375 Woodside Avenue  
San Francisco, CA 94127

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officers denied the allegation and stated the complainant was detained for consuming an alcoholic beverage in public. There were no witnesses. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #3:** The officer used excessive force during the detention.

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

**FINDINGS OF FACT:** The officer denied the allegation and stated there was no force used during the contact with the complainant. There were no witnesses. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

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

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

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

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

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**SUMMARY OF ALLEGATIONS #7-8:** The officers failed to properly process the complainant's property.

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

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

**SUMMARY OF ALLEGATION #9:** The officer threatened the complainant.

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

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

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

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

**FINDINGS OF FACT:** The complainant stated that he was merely walking when he was detained and subsequently arrested. The officers told him that he matched the description of someone they sought. However, the officers told the OCC that they initially detained the complainant because they saw a chrome object in the complainant's hand, which they thought might be a gun. One officer stated that, after physically detaining and while speaking to the complainant, he noticed something in the complainant's mouth. The officer attempted to apply a mastoid hold on the complainant, but the complainant broke free. When they attempted to place the complainant in handcuffs, he resisted. With the assistance of other officers, the complainant was placed in handcuffs and subsequently booked for several criminal violations. No witnesses to this portion of the incident were identified. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #3-4:** The officers used excessive force during the arrest.

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

**FINDINGS OF FACT:** The complainant alleged that officers used various elements of excessive force during the detention and arrest. The officers stated that the complainant resisted at the outset and that it took several officers to subdue him and take him into custody. The statements from civilian witnesses on the scene were inconclusive. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers used profane and uncivil language.

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

**FINDINGS OF FACT:** The officers and other officers denied the allegation. No other witnesses to this portion of the incident were identified. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #7-8:** The officers planted drugs on the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officers' assertion that he had drugs was false. The officers denied that they planted drugs on the complainant. However, the evidence that was booked by the officers as purported rocks of crack cocaine, were actually pebbles. The officer stated that he found these "rocks" near the complainant after a struggle during which the complainant allegedly resisted. Neither of the officers alleged that they saw the complainant attempt to discard the evidence from his person, but there is no evidence that the officers intentionally planted this false evidence. There were no witnesses to this portion of the incident, and insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #9:** The officer detained the complainant at gunpoint.

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

**FINDINGS OF FACT:** The complainant stated that, during the transport, the officer withdrew his weapon from his holster and threatened to shoot him. The named member and the witness member denied the allegation. There were no witnesses to this portion of the incident. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #10:** The officer threatened to falsely bring additional criminal charges against the complainant.

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

**FINDINGS OF FACT:** The named officer and witness officer denied the allegation. The witness that the complainant identified could not recall the incident in question. There were no other witnesses identified. There was insufficient evidence to either prove or disprove the allegation.



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**SUMMARY OF ALLEGATIONS #11:** The officer exhibited inappropriate behavior toward the complainant.

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

**FINDINGS OF FACT:** All of the officers on the scene denied the allegation. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #1:** The officer prepared an inaccurate report.

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

**FINDINGS OF FACT:** The incident report differs in large part with the complainant's version of events. Although the report-writing officer stated that the report accurately reflects what occurred, he contradicted some elements of the report in his OCC interview. A witness officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The evidence proved that the action complained of did not involve a sworn member of the San Francisco Police Department.

**SUMMARY OF ALLEGATION #2:** The officers' arrest of the complainant was without cause.

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

**FINDINGS OF FACT:** The evidence proved that the action complained of did not involve a sworn member of the San Francisco Police Department.

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

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

**FINDINGS OF FACT:** The complainant stated that as he was being readied for transport following his address, certain members of the San Francisco Police Department made threatening comments to him. The Office of Citizen Complaints attempted to contact the witness without success. There was insufficient evidence to prove or disprove the allegations made by the complainant.

**SUMMARY OF ALLEGATION #4:** The officers made threatening remarks to the complainant.

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

**FINDINGS OF FACT:** The complainant stated that as he was being readied for transport following his address, certain members of the San Francisco Police Department uttered racial slurs. The Office of Citizen Complaints attempted to contact another civilian witnesses without success. The other civilian witness was not in a position to overhear the exchanges alleged. There was insufficient evidence to prove or disprove the allegations made by the complainant.

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**SUMMARY OF ALLEGATION #5:** The officer utilized unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated that the officer utilized force on him without justification, for no reason, and without warning. The complainant stated that the officer struck him first, then warned him that he should “go down” or he would strike him again with his baton and continued to strike him while he was being held down. A civilian witness interviewed by the Office of Citizen Complaints stated that the complainant “kept resisting” and “hurt” one of the officers during the incident. The OCC attempted to reach an additional civilian witness without success. Another witness stated the named officer removed his baton from his belt, told the complainant that he would strike him unless he placed his hands behind his back for handcuffing. This witness stated that the complainant failed to comply and the named officer delivered several baton strikes to the complainant’s legs below the knee, ordering the complainant to comply, but did not achieve compliance. The officer then struck the complainant with his baton on his hands. The complainant admitted in his OCC interview that he wrested the baton from the named officer’s grasp. The named officer denied utilizing unnecessary force, stating in his OCC interview that he had considered he had considered an alternative use of force but that it was too dangerous for the crowded circumstances. He stated that a combination of his body weight and assistance from other officers allowed him to handcuff the complainant. The use of force was justified.

**SUMMARY OF ALLEGATION #5:** The officers failed to notify the complainant’s parent/guardian of his arrest.

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

**FINDINGS OF FACT:** The evidence proved that the action complained of did not involve a sworn member of the San Francisco Police Department.

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**SUMMARY OF OCC ADDED ALLEGATIONS #1 &2:** The officers failed to follow DGO 7.01.

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

**FINDINGS OF FACT:** The evidence proved that the action complained of was the result of a policy failure. The OCC recommends a change in the particular policy, procedure, or regulation,

**SUMMARY OF OCC ADDED ALLEGATIONS #3:** The officer failed to follow DGO 7.01.

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

**FINDINGS OF FACT:** The evidence proved that the action complained of was the result of a policy failure. The OCC recommends a change in the particular policy, procedure, or regulation,

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

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

**FINDINGS OF FACT:** The officer stated that he detained the complainant for failing to stop at a stop sign. The complainant stated that she did stop at the stop sign. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The officer stated that he cited the complainant for failing to stop at a stop sign. The complainant stated that she did stop at the stop sign. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The officer stated that he handcuffed the complainant for his safety and the safety of other citizens in the area. He also stated that he handcuffed the complainant to persuade her to sign the citation. The officer's superior responded to the scene and removed the handcuffs. The officer's superior stated that the complainant's physical restraint and temporary custody were unwarranted. The officer's superior stated that the officer should not have deemed the complainant a threat or a flight risk. This allegation was sustained.

**SUMMARY OF ALLEGATION #4:** The officer used unnecessary force during the complainant's detention.

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

**FINDINGS OF FACT:** The complainant stated that the officer grabbed her arm and twisted it. The officer stated that he took hold of the complainant's wrist to handcuff her, and she turned away. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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**SUMMARY OF ALLEGATION #5:** The officer searched the complainant's personal property without cause.

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

**FINDINGS OF FACT:** The officer stated that the complainant brought her purse with her when she was placed inside the patrol car. The officer stated that he searched the complainant's purse for weapons when it was inside the patrol car. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

**FINDINGS OF FACT:** The officer stated that, in an effort to get the complainant to sign the citation, he "lied" to her, telling her that he was going to arrest her, notify the Department Motor Vehicle and her insurance carrier, and have her license taken away. The officer's superior stated that, under the California Vehicle code, an officer may tell a violator who is refusing to sign a citation that s/he can be immediately brought before a magistrate, nothing more. This allegation was sustained.



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

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

**FINDINGS OF FACT:** The evidence established that the officer had probable cause to arrest the complainant for public intoxication and to transport him in a police vehicle. It was appropriate, under the circumstances, for the complainant to be handcuffed for officer safety and the complainant's safety.

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

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

**FINDINGS OF FACT:** The complainant acknowledged that he had been drinking inside a bar. The investigation established that the bar owner called for police because the complainant was drunk and fighting. The officer stated that the complainant was violent and not able to provide for his safety or the safety of others. SFSD records corroborated the officer's description of the complainant's violent behavior. A preponderance of the evidence established that it was proper for the officer to detain/arrest the complainant for public intoxication.

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**SUMMARY OF ALLEGATION #3:** The officer failed to properly process the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that he had a cell phone when he was arrested and that the officer seized it but did not turn it in as property. The officer stated that he never saw the complainant with a cell phone and never seized it. There is no record that a cell phone was taken into property at the county jail. There was no witness able to confirm the existence of a cell phone or whether it was seized or not. The complainant stated that his mother dialed the number of the cell phone and someone answered by saying it was the police station, which convinced him the officer had, indeed, kept his phone. There was no corroboration for the mother's assertion. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4-5:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that, when he called the police station about his cell phone, the persons answering the phone told him that the arresting officer denied having taken the phone and would not take a message to call the complainant because the arresting officer said he did not want to talk to the complainant. The arresting officer acknowledged that he was asked about the phone and said he never had it, and that he did say he did not want to speak to the complainant. The officer had no duty, under the circumstances, to speak to a person he had arrested, and the other officers, whose identities were not established, were not in violation of any department regulation when they gave this message to the complainant.

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

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

**FINDINGS OF FACT:** The investigation established that the arresting officer failed to complete a public intoxication form and submit it at the station when he booked the complainant directly at county jail, although a Department bulletin indicates that this should be done. The officer stated that he was unaware that the bulletin meant the public intoxication form used at the station should be completed at the jail and that he had always completed the standard arrest card when booking a prisoner directly to the jail, believing that was what was meant. Department General Orders require an officer to read and comply with Department bulletins. Since the officer acknowledged that he did not comply, and the Bulletin clearly states that the form must be completed, the allegation is sustained.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-3:** The officers interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The co-complainant alleged that the officers interfered with the rights of an onlooker. The onlooker stated that he thought the officers were trying to fabricate a DUI stop. He stated that, when he stood in the street, eighteen inches from the sidewalk, to more closely observe the field sobriety tests, the first officer threatened to arrest him for standing in the street. That officer stated that the onlooker got within two to three feet of the officer while he was conducting field sobriety tests and he advised the onlooker that he could be cited if he interfered with the investigation. The second officer stated that the onlooker stepped onto the street after he was asked to stand back, and this officer took the onlooker to a patrol car. The third officer stated that the onlooker was not threatened with arrest. There was insufficient evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATIONS #4-5:** The officers ordered the co-complainant to undergo field sobriety tests without cause.

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

**FINDINGS OF FACT:** The officers stated that they smelled alcohol on the co-complainant's breath. They also stated that the co-complainant tried to walk away from the officers when she was detained. The complainant stated that the co-complainant was not intoxicated. The co-complainant acknowledged that she tried to walk away after she was detained. The officer who conducted the field sobriety tests stated that he smelled alcohol on the co-complainant's breath, but it wasn't a strong smell. There was no additional evidence to further prove or disprove this allegation.

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**SUMMARY OF ALLEGATIONS #6-7** The officers threatened the co-complainant.

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

**FINDINGS OF FACT:** The co-complainant stated that the officers threatened to take her “downtown.” She stated that she started to walk away when this occurred. Both officers denied making this threat. One officer stated that he advised the co-complainant that she would be handcuffed if she tried to leave the scene. The second officer stated that the co-complainant told him that if he issued her a citation, she would not sign it. He stated that he advised the co-complainant that if she failed to sign a citation, she could be taken to jail. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #8:** The officer interfered with the rights of (the complainant as) an onlooker.

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

**FINDINGS OF FACT:** The officer denied interfering with the rights of the complainant. The officer stated that he kept the complainant away from the co-complainant while she was undergoing field sobriety tests. The officer conducting the field sobriety tests stated that he did not observe any contact between the complainant and the named officer. The named officer’s partner stated that he saw the complainant arguing with his partner but could not hear what was said. A witness stated that he saw the complainant having a “fairly aggressive discussion” with the named officer but did not hear what was said. There was no additional evidence to further prove or disprove this allegation.

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**SUMMARY OF ALLEGATION #9:** The officer made inappropriate comments and behaved inappropriately.

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

**FINDINGS OF FACT:** The officer denied bumping into the complainant. The officer stated that the complainant pushed him in an attempt to go past the officer. Two officers at the scene stated that they did not see this behavior. A witness stated that he saw the complainant and the officer having a discussion but did not see any physical contact between them. The officer denied making an accusation of racism against the complainant. A witness stated that, while he was in the patrol car with the officer, the officer commented that the complainants expected special treatment because they are upper class. This witness also stated that the officer spoke in a loud voice and had an aggressive manner. This allegation was sustained.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer used unnecessary force during the complainant's daughter's arrest. The force against the complainant's daughter was a contributing factor in her subsequent death.

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

**FINDINGS OF FACT:** Although there is insufficient evidence to prove whether the force used during the arrest was necessary, the photographic and medical evidence in this case established that the injuries sustained by the complainant's daughter were extremely minor and not a contributing cause to the complainant's daughter's subsequent death. Conversely, the investigative and medical evidence established that other contributing factors were, most likely, the cause of the complainant's daughter's death.

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The complainant alleged that the named officer continued a pattern of harassment against him.

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

**FINDINGS OF FACT:** The complainant provided the Office of Citizen Complaints with a series of contact dates that he allegedly had with the named officer. Of the dates provided, the Office of Citizens Complaints was able to confirm that the complainant was detained on one of them. The witness was unwilling to provide the Office of Citizen Complaints with a statement. There were no other witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

**SUMMARY OF ALLEGATION #2:** The officer misused his/her authority as evidenced by his/her actions on certain dates as alleged by the complainant.

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

**FINDINGS OF FACT:** The complainant alleged that a specific member of the San Francisco Police Department wrongfully detained him under color of authority. The Office of Citizen Complaints was unable to prove with substantial certainty that the complainant was detained by a member of the San Francisco Police Department on the dates provided. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.



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**SUMMARY OF ALLEGATION #3:** The officer detained the complainant on a specific date in 2004 without justification.

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

**FINDINGS OF FACT:** The complainant stated that the named officer improperly used his authority when detaining him for an incident on a specifically articulated date in 2004. The Office of Citizen Complaints independently investigated the basis for the complainant's detention and found that the basis for the detention was proper. The complainant was detained and released on the date in question and provided with a Certificate of Release.

**SUMMARY OF ALLEGATION #4:** The officer handcuffed the complainant without justification on certain dates as alleged by the complainant.

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

**FINDINGS OF FACT:** The Office of Citizen Complaints was unable to prove with substantial certainty that the complainant was handcuffed by the named member of the San Francisco Police Department on the specific dates provided. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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**SUMMARY OF ALLEGATION #5:** The officer pat searched the complainant without justification on certain dates as alleged by the complainant.

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

**FINDINGS OF FACT:** The Office of Citizen Complaints was unable to prove with substantial certainty that the complainant was pat searched by the named member of the San Francisco Police Department on the specific dates provided. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

**SUMMARY OF ALLEGATION #6:** The officer searched the complainant's residence without a search warrant on a certain date.

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

**FINDINGS OF FACT:** The Office of Citizen Complaints conducted an investigation as to when the complainant's residence had been searched. It did not find evidence that there had been a police entry in the residence on the date in question. The Office of Citizen Complaints found that there had been a search of the complainant's house on another date, corresponding to approximately one month earlier. The Office of Citizen Complaints questioned the named officer regarding whether he had searched complainant's residence on another date. The officer responded that he had participated in a search of the complainant's residence on another date, approximately one month earlier, but denied searching the complainant's house on the date complained of. He denied the need for a warrant on the date of the search he participated in, noting that the lessee of the complainant's residence had signed a consent to search the complainant's residence. The Office of Citizen Complaints examined documents relating to the search performed on the date noted by the officer. The Office of Citizen Complaints found the consent to search signed by the lessee of the complainant's residence. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

**FINDINGS OF FACT:** The complainant stated he was in front of the shelter at the church waiting to go inside when the officers detained him. The officers stated that they detained the complainant because he looked familiar, was standing on the sidewalk in front of church (a drug area) although he was not engaged in criminal or suspicious activity, and they believed he had a felony warrant. One witness stated he saw the complainant standing in front of the church not doing anything when he saw one officer talk to the complainant, then handcuff and pat-search him. The officers stated that, because the complainant had no identification, the officers transported him to the station. The officers violated DGO 5.03 Section I. B. Reasonable Suspicion because at the time they detained him, the complainant was not engaged in criminal or suspicious activity.

**SUMMARY OF ALLEGATIONS #3:** The officer used excessive force during the detention.

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

**FINDINGS OF FACT:** The complainant stated he resisted because he did not do anything wrong. He stated the officer twisted his arm, pushed him against a wall hitting his face, and punched him in the lower back 2-3 times. The officer denied the allegation. The witness stated it was hard to see from his distance but he saw an officer “rough up” the complainant by turning him around, and pushing him against the wall and handcuffing him. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated he was handcuffed and he did not do anything wrong. The officers stated he was handcuffed because he was detained and being transported to the police station for further investigation. Because the detention was unlawful, the handcuffing was unwarranted.

**SUMMARY OF ALLEGATIONS #5:** The officer-pat searched the complainant without cause:

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

**FINDINGS OF FACT:** The complainant stated that the officer searched him for no reason. Because the detention was unlawful, the search was unwarranted.

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**SUMMARY OF ALLEGATIONS # 6:** The officer searched the complainant's property without cause.

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

**FINDINGS OF FACT:** The complainant stated his bag was searched. The officers denied the allegation. The witness did not recall seeing a backpack at the time of the detention, however he recalls one when the complainant was at the shelter after he was released. There was not enough evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #7-8:** The officers transported the complainant to a police station without justification.

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

**FINDINGS OF FACT:** The complainant stated he was taken to the police station for no reason. The officers stated they could not identify the complainant so they took him to the station to identify him. Because the detention was unlawful, transporting the complainant was unjustified.

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**SUMMARY OF ALLEGATION #9:** The officer failed to issue a certificate of release per department policy.

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

**FINDINGS OF FACT:** The complainant stated he was not given any paperwork when he was released from the station. The officer stated he did prepare a certificate of release and provided a copy during his OCC interview. There was no record of the Certificate of Release at the Records Section. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #10-11:** The officers failed to prepare an Incident Report.

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

**FINDINGS OF FACT:** The complainant stated he was released without any paperwork. The officers stated they did not write an Incident Report because it was not necessary. They stated that this was a brief detention and that they transported the complainant a short distance. The detention was unreasonably prolonged by transporting the complainant after the officers had substantially completed their investigation. The officers violated DGO 5.03 by failing to write a report.

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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 named officer stated that he detained the complainant for public intoxication and for interfering with police investigation. In his statement to the OCC, the complainant denied being drunk but acknowledged that he was trying to get into the parking lot where several police officers were involved in a physical confrontation with another individual. The complainant also acknowledged that the officers ordered him to move back from the parking lot but he stopped and attempted to reason with them. Three of the complainant's friends provided the OCC with a similar account on this aspect of the occurrence. A preponderance of the evidence showed that the officers properly ordered the complainant to move back from the fight/arrest scene and the named member had sufficient reason to detain the complainant when he failed to comply with the officers' orders.

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

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

**FINDINGS OF FACT:** The named officer stated that he detained and then arrested the complainant for public intoxication and for violation of state law. In his statement to the OCC, the complainant denied being drunk. Three of the complainant's friends stated that the complainant had been drinking, but offered insufficient evidence to determine whether he was intoxicated. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer arrested the complainant for resisting and interfering, without cause.

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

**FINDINGS OF FACT:** The named officer stated that he detained and then arrested the complainant for interfering with a police investigation. In his statement to the OCC, the complainant acknowledged that he was trying to get into the parking lot where several police officers were involved in a physical confrontation with another individual. The complainant also acknowledged that the officers ordered him to move back from the parking lot, but he stopped and attempted to reason with them. Three of the complainant's friends provided the OCC with a similar account of this aspect of the occurrence. A preponderance of the evidence showed that the officers properly ordered the complainant to move back from the fight/arrest scene and the named member had probable cause to arrest the complainant when he failed to comply with the officers' orders.

**SUMMARY OF ALLEGATION #4:** The officer used excessive force.

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

**FINDINGS OF FACT:** The complainant stated that he was kned, kicked and punched in the face during the arrest by an unknown officer(s). Three complainant's friends, in essence, corroborated the allegation but could not provide sufficient identifying information to determine the identity of the officer(s) responsible for the alleged misconduct. All members interviewed in connection with this complaint denied using excessive force during the incident. The available evidence was insufficient to prove or disprove the allegation and to establish the identity of the officer(s) responsible for the alleged misuse of force.

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**SUMMARY OF ALLEGATION #5:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that several officers used profanity at the scene. Three complainant's friends, in essence, corroborated the allegation. The complainant and his witnesses could not provide sufficient identifying information to determine the identity of the officer(s) responsible for the alleged misconduct. All members interviewed in connection with this complaint denied using and/or hearing any profanity during the incident. The available evidence was insufficient to prove or disprove the allegation and to establish the identity of the officer(s) who allegedly engaged in the use of profanity.

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

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

**FINDINGS OF FACT:** The named member, who was one of the officers involved in the complainant's arrest, stated that he provided his name and star number once the complainant requested them. One of the witnesses identified by the complainant stated that the complainant indeed requested "names and badges" of the arresting officers who told him to shut up. Two other witnesses identified by the complainant told the OCC that they did not hear the complainant asking star number or name of any officer at the scene. The OCC was unable to identify and interview all officers involved in the complainant's arrest. The available evidence was insufficient to prove or disprove the allegation in regards to the named member.

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**SUMMARY OF ALLEGATION #7:** The officer failed to comply with the Department Policy on Rights of On-Lookers.

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

**FINDINGS OF FACT:** The complainant stated that the officer ordered him and his friends to move an unreasonable distance from the parking lot where the police was attempting to take into custody a combative individual. The named member stated that, on direction from his supervisor, he moved the crowd that included the complainant and his friends about twenty feet from the parking lot where a combative individual engaged several officers in a fight. Three complainant's friends told the OCC that they were moved about thirty feet from the parking lot. Given the circumstances of this incident (a crime scene where the suspect engaged several police officers in a physical confrontation), the OCC was unable to determine whether the distance at which the complainant and his friends were ordered to move was, in fact, reasonable or whether it constituted a violation of their rights as on-lookers.

**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #1:** The officer failed to properly document use of force.

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

**FINDINGS OF FACT:** According to the complainant, he was struck on the face with a fist by one of the arresting officers. Neither the related police report, nor the station Use of Force Log identified the officer who used this type of force during the complainant's arrest. The named member, who was the senior ranking officer at the scene, stated that he was notified of the use of force but, despite all his efforts, could not identify the responsible officer. The available evidence was insufficient to determine whether the named member, in fact, took the necessary steps to identify the officer responsible for the use of force.

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**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #2:** The officer failed to properly document use of force.

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

**FINDINGS OF FACT:** The complainant stated that he was struck on the face with a fist by one of the arresting officers. According to the Department Policy on Use of Force, an officer who strikes the subject with a fist or an object is required to notify his supervisor. However, neither the related police report, nor the station Use of Force Log identified the officer who used this type of force during the complainant's arrest. The OCC was unable to identify and/or question the officer who failed to comply with the applicable Department policy.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officers failed to properly operate department vehicles.

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

**FINDINGS OF FACT:** The complainant stated that two San Francisco Police Department officers wearing dark helmets in their department issued motorcycles nearly ran her over while walking lawfully within a crosswalk in north beach. The evidence established that no sworn members wore a dark helmet while on duty, and OCC attempts to locate other motorists were unsuccessful. There is insufficient evidence to name any particular officer for the alleged misconduct.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer used profanity. The officer denied the allegation. A civilian witness stated that the officer did not use profanity. The complainant stated that the alleged remark was made while he was bent over to retrieve something from his car, and the officer was leaning near him, so the witness may not have heard it. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer made an inappropriate and threatening gesture.

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

**FINDINGS OF FACT:** The complainant stated that the officer, who was dressed in civilian clothes, lifted up his shirt and exposed his firearm. The officer stated he was wearing a jacket, with his firearm on his hip but denied lifting his jacket or shirt. A civilian witness stated that the officer lifted his jacket or shirt and pointed to his badge. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer failed to display his Department-issued star.

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

**FINDINGS OF FACT:** The officer stated that he took his star out of his jacket pocket and displayed it. A civilian witness stated that the officer lifted his jacket and pointed to his star. There is insufficient evidence to disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he is a limousine driver, and was parked in the limousine area outside the terminal at San Francisco International Airport, waiting to pick up a friend who was traveling from the East Bay on BART. The complainant stated that the officer, who was in civilian clothes, approached him and another limousine driver. The complainant stated that the officer cited him for not having an airport permit or a waybill. The complainant admitted not having an airport permit or a waybill, and admitted picking up passengers at the airport without a permit. Airport records indicate that at the time of this incident, the complainant did not have a permit to operate a limousine at the airport. The evidence established that the action complained of was proper.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to enforce a restraining order against a neighbor. The officer denied the allegation, and filed a police report, as he was required to do regarding the unsubstantiated violation. There were no witnesses to either prove or disprove the allegation. The officer's actions were lawful and proper under the circumstances.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/01/04 **DATE OF COMPLETION:** 09/26/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The identity of the alleged officer had not been established. No other witnesses were identified. There was insufficient evidence to either identify the officer involved or to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer failed to provide required information.

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

**FINDINGS OF FACT:** The identity of the alleged officer had not been established. No other witnesses were identified. There was insufficient evidence to either identify the officer involved or to prove or disprove the allegation.



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**DATE OF COMPLAINT:** 12/01/04 **DATE OF COMPLETION:** 09/26/05 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The identity of the alleged officer had not been established. No other witnesses were identified. There was insufficient evidence to either identify the officer involved or to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately toward the complainant.

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

**FINDINGS OF FACT:** The identity of the alleged officer had not been established. No other witnesses were identified. There was insufficient evidence to either identify the officer involved or to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 12/22/04    **DATE OF COMPLETION:** 09/30/05    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that the member refused to take a Missing Persons report. The investigation revealed that the San Carlos Police Department (SCPD) had jurisdiction over this matter and was conducting its own investigation. The member stated that the complainant was unhappy with the way SCPD was handling the investigation and wanted the SFPD to conduct the investigation. The member properly informed the complainant that she could assist, but not interfere with, the SCPD's investigation. The member's actions were proper.

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

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

**FINDINGS OF FACT:** The investigation revealed that the San Carlos Police Department (SCPD) had jurisdiction over this matter and was conducting its own investigation. The member properly informed the complainant that she could assist, but not interfere with, the SCPD's investigation. Due to the member's diligence, the missing person was located within two weeks. The member's actions were proper.

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**DATE OF COMPLAINT:** 01/03/05   **DATE OF COMPLETION:** 09/14/05   **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** According to Department of Motor Vehicle records, the complainant's registration expired on 5/16/04, and the complainant had not submitted an application for a renewed registration. Under the Department's STOP Program, vehicles with registrations expired over six months must be towed. The officer's action was proper.

**SUMMARY OF ALLEGATIONS #2-3:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The officers denied behaving inappropriately and making inappropriate comments. There were no available witnesses. The investigation did not disclose sufficient information to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 01/03/05 **DATE OF COMPLETION:** 09/14/05 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The officer denied using profanity towards the complainant. There were no available witnesses. The investigation did not disclose sufficient information to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 01/15/04 **DATE OF COMPLETION:** 09/15/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to properly investigate the complainant's complaint.

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on July 12, 2005.

**SUMMARY OF ALLEGATION #2:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated that the officer misrepresented the truth by misquoting a statement he made in a letter. The officer denied the allegation, stating her representation was made in reference to a conversation the complainant had with another officer. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

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

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

**FINDINGS OF FACT:** The complainant stated that the officer incorrectly told a homeless person there was no permissible panhandling in San Francisco. The officer denied the allegation, stating that, while he did not recall the specific incident, he has significant training in and knowledge of San Francisco Municipal Police Code §120-2(d), such that he would not have made such a representation. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that, while he did not recall the specific incident, he has significant training in and knowledge of San Francisco Municipal Police Code §120-2(d), such that he would not have threatened to cite the complainant. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer ordered the homeless person to leave the area. The officer denied the allegation, stating that, while he did not recall the specific incident, he has significant training in and knowledge of San Francisco Municipal Police Code §120-2(d), such that he would not have issued such an order. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**