

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/08 **DATE OF COMPLETION:** 11/15/08 **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 preponderance of the evidence established that the complainant was drinking heavily. Due to his inability to care for himself, coupled with his physical resistance to a detention, he was lawfully arrested for resisting arrest. Objective medical records support that the basis for the officers' actions to detain and arrest the complainant were lawful and proper.

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 stated one of the two arresting officers pushed his face against the sidewalk after he was handcuffed and face down on the ground. The complainant further alleged that both officers dragged him by the handcuffs to the police wagon that transported him to the Police station. The officers denied the allegation. Two witnesses who arrived on scene after the arrest were unable to verify or deny the allegation regarding the facial abrasions, but denied the complainant was dragged to the police wagon by his handcuffs. Medical records negate the presence of any injury to the complainant's extremities. There were no other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The preponderance of the evidence established the complainant was lawfully detained and arrested. The officers were therefore required under departmental regulations to handcuff the complainant prior to transport in a police vehicle. The officers' actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant admitted to committing the act which generated the reasonable suspicion to detain. The detention was proper.

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 complainants without justification.

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

FINDINGS OF FACT: The complainant and the co-complainant gave differing accounts of what they were doing when they were detained. The named officers denied the allegations. Two witness officers stated they were not present for the detention. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer made a disparaging comment about the complainant's actions weakening his employer's stock performance. The co-complainant said the officer made a comment about the complainant's actions weakening his employer's stock performance but did not recall the same comment. The named and two witness officers denied the allegation. One witness officer said she heard nothing of the conversation between the named officer and the complainants. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants said the named officer made inappropriate comments, but their recollections contained inconsistencies. The named officer denied the allegation. Two witness officers said they did not hear the alleged comments. One witness officer said she heard nothing of the conversation between the named officer and the complainants. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants said the officers used profanity, but their recollections contained inconsistencies. The named officers denied the allegations and said they did not hear each other use profanity. One witness officer said he did not hear the alleged comments. One witness officer said she heard nothing of the conversation between the named officer and the complainants. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer invaded the complainant's privacy.

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

FINDINGS OF FACT: The complainant and co-complainant said the named officer asked what medical condition was the basis for the complainant's medical marijuana card. The complainants' statements contained ambiguity. The named officer and one witness officer denied the named officer asked the question. Two witness officers said they did not hear the named officer ask the question. Department regulations state that officers can ask questions to verify if a claim of possession of medical marijuana, but does not speak to exactly what questions can be asked or how a claim can be clarified. One witness officer said she heard nothing of the conversation between the named officer and the complainants. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer arrested the complainants without cause.

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

FINDINGS OF FACT: The complainant said he and the co-complainant were cited for trespassing when they were walking on a public sidewalk. The co-complainant said she and the complainant had stopped only briefly to light a cigarette when they were detained and ultimately cited for trespassing. The named officer said the complainants were huddling in a doorway under a no trespassing sign. A witness officer said the complainant was standing at the back of a building, under a clearly posted no trespassing sign. Two officers who arrived on the scene were not present to observe the alleged trespassing. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The officer said at no time did he make an inappropriate comment to the complainant. The witness officer corroborated she did not hear any officer make the comment to the complainant. The sergeant on scene said all the officers were efficient and courteous to the complainant at all times. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer was dispatched to the incident for a report of a disabled vehicle and a combative patient in the middle of the road with fire paramedics. The named officer said the complainant displayed objective symptoms of alcohol intoxication. The officer administered field sobriety tests and placed the complainant under arrest. A witness sergeant and three witness officers corroborated the named officer's account of the complainant's objective symptoms of alcohol intoxication.

Another civilian witness stated he found the complainant "passed out" behind the wheel of his vehicle at a busy intersection in the left turn lane. The witness said he called 911 for an ambulance and assistance. The witness had to shake the complainant to awaken him. The witness stated the complainant appeared disoriented, was unaware that he had passed out and was wobbly upon exiting his vehicle. The toxicology report indicated the complainant's blood alcohol level was well over the legal limit. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainant alleged the citation issued by the arresting officer indicated the wrong location of the incident.

The officer denied the allegation. The named officer stated the location of occurrence indicated on his incident report and the citation are accurate and complete. All five witness officers corroborated the location of the incident. The civilian witness corroborated the location of the incident as indicated by the named officer. The witness said he lives one block from where he located the complainant passed out behind the wheel of his vehicle. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer failed to administer a field sobriety test to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer stated he administered and demonstrated four field sobriety tests. The officer said the complainant could not complete any of the tests and was verbally hostile while trying to take the test. The witness officer and sergeant corroborated the named officer's account of administering the field sobriety tests to the complainant. The civilian witness corroborated he observed an officer give the complainant field sobriety tests to the complainant. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #5: The officer failed to provide medical attention to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer stated he did not offer the complainant medical attention as the fire paramedics were on scene when he arrived. The officer said the paramedics did not advise him of any injury that the complainant sustained. The named officer said the complainant never complained of any injury and never asked for additional medical attention. The witness officer stated she did not offer the complainant medical attention because paramedics made the initial contact with the complainant and had cleared him medically. A witness officer said she did not hear the complainant voice any need or desire for medical attention. The witness sergeant stated he spoke with fire personnel and they determined there was nothing medically wrong with the complainant. The civilian witness observed paramedics arrive and make contact with the complainant. The witness stated he observed the complainant become agitated with the paramedics while they attempted to assess his medical condition. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #6: The officer failed to provide his name and/or star number to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer said he gave the complainant a follow-up form with the case number and his name and star number along with his partner's name and star number. The witness sergeant said he told the complainant his name and star number as he was the supervisor on scene. One witness officer said he provided his name and badge number verbally to the complainant, as requested. Numerous San Francisco Police Department and Department of Motor Vehicle documents were provided to the complainant, which listed the arresting officers' name and star numbers in numerous locations. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #7: The officer failed to properly process complainant's driver's license.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer said the complainant's driver's license was confiscated, per 13353.1 CVC, and mailed back to DMV. The named officer said he issued the complainant an "administrative per se" suspension and temporary driver's license form. The witness officer corroborated that the California Vehicle Code mandates confiscation of drivers' licenses from anyone arrested/cited for driving while under the influence of alcohol. The DMV form clearly states the complainant's license was "Surrendered to Officer." The DMV form provided hearing information that informed the complainant he had 10 days from receipt of the notice to request a hearing to show that the suspension or revocation was not justified. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #8: The officer failed to follow proper procedures as detailed in DGO 9.03.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer stated the blood draw on the complainant was not a forced blood draw. The officer said the complainant freely provided his arm for the phlebotomist to draw blood. The officer affirmed the complainant willingly signed the blood test request by peace officer form. The witness officer corroborated the blood draw was consensual by the complainant. A copy of the blood test shows the complainant signed the form.

The chemical test refusal (13353 CVC) form indicates the complainant was admonished on the date of incident at 1425 hours at the police station. The chemical test admonition (23612 CVC) states in pertinent part: (6) If you cannot, or state you cannot, complete the test you choose, you must submit to and complete a remaining test. The intoxilyzer readout displayed the complainant submitted a deficient sample and then refused on the third attempt. At that point, the complainant was bound by 13353 CVC, to take a remaining chemical test. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper

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SUMMARY OF ALLEGATION #9: The officer used unnecessary force on the complainant during the arrest.

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

FINDINGS OF FACT: The complainant alleged a tall Caucasian male officer struck him in the chest and stomach after he blew into the intoxilyzer machine.

The two officers who administered the chemical tests to the complainant denied the allegation. The complainant described the alleged officer as a tall Caucasian officer, yet both officers involved in administering the chemical tests were Asian. The complainant failed to provide additional evidence to identify the involved officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer did not recall being involved in the arrest of the complainant. Department records show the officer was off-duty on the date of the arrest. There is no evidence that the officer was involved in the incident which brought forth this complaint. The evidence proves that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

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 properly investigate.

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

FINDINGS OF FACT: The complainant stated the officers failed to properly investigate an incident where he was caught in the draft of a pepper spraying incident and the person deploying the spray would not help him. The complainant further alleged the officers failed to properly follow procedure, solicit his side of the story and follow up on his behalf. The complainant was walking on a busy street. A security guard employed by a local business deployed pepper spray in the course of his employment. The complainant was a passerby and injured by the pepper spray. Police officers at the scene interviewed the guard and the complainant, along with another witness. The complainant alleged that the officers failed to interview all available percipient witnesses, resulting in a biased investigation. The guard was not charged as a suspect. The OCC interviewed the police witnesses as well as an additional witness not interviewed by police. All of the witnesses, including the complainant's own witness, provided information tending to prove that the guard lacked intent to injure the complainant. The guard stated he deployed his pepper spray out of fear for his personal safety against two aggressors he had previously evicted from his place of employment. The witness closest to him corroborated this and stated the officers tended to the complainant and called an ambulance to the scene. The officers denied the allegation. The officers interviewed the relevant witnesses and interviewed a second witness. The officers determined that a crime had been committed against the guard but did not locate or identify the suspects. The officers learned during their investigation from the complainant, the second victim, that he was accidentally caught in the draft of the deployed pepper spray. The officers correctly concluded from the complainant's own statement, as well as from the witnesses, that no crime had been committed against the complainant. The officers followed procedure and called an ambulance for the complainant within two minutes of their arrival on scene. The ambulance arrived in eight minutes. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate and incomplete incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged the reporting officer wrote an inaccurate report in two ways. The first alleged inaccuracy regarded the identity of the party or parties flagging down the members of the SFPD. The OCC interviewed the parties, including the witnesses. There was some confusion with regard to who flagged down police in the minds of the witnesses. However, the OCC concluded that the identity of who flagged down the officers in this specific instance did not affect the accuracy or completeness of the investigation, or its concomitant report. The officers spoke to both sets of contentious parties, separated them, and the Incident Report reflects these facts. The complainant also alleged that a section of the report noted that he “came up suddenly” while the officers interviewed a witness. The complainant expressed concern about this alleged wording, and termed it a “lie” written by the officer. The OCC reviewed the report. The officer did not use these words, as alleged by the complainant. The officer wrote the complainant “approached,” as he and another officer questioned a witness. The officer did not use the word “suddenly” when writing about the complainant in the report. The reporting officer did not infer the complainant interfered with the investigation. The complainant objected to the officer’s characterization of the security guard as a victim, stating this was a mischaracterization of the guard’s actions because the guard failed to independently act as a Good Samaritan. The officer correctly coded the complainant as a victim in the Incident Report face sheet. The narrative correctly reflected the complainant’s injury, the paramedic’s response and treatment of the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper

SUMMARY OF ALLEGATIONS #4-5: The officers made inappropriate remarks.

CATEGORY OF CONDUCT: CRD

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged that when he flagged officers to the scene, they told him to “sit down and shut up.” The witnesses at the scene either did not overhear this part of the conversation, or had not yet arrived on scene. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATIONS # 6-7: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant alleged the officers engaged in selective enforcement, stating they discriminated against him because of his racial background as a person of color and his status as passerby in favor of the victim, an employed individual who was not a person of color. The complainant alleged as facts in support of this allegation the officers “left him standing” with his eyes painfully burning, following injury of his eyes by pepper spray. Department Records indicate the officers requested an ambulance within two minutes of their on view of the incident and that the ambulance arrived eight minutes later. The complainant stated the officers mischaracterized a person who injured him as a victim and falsely tailored the police report when the facts of the case supported that both parties were in fact victims. The investigation at the scene, as well as the OCC investigation revealed the complainant was accidentally injured. There can be more than one victim and in this case, there was more than one victim. Officers tended to both victims at the scene, interviewing both, and calling medical assistance for the one who needed it. They determined no crime had been committed against the complainant. The witnesses did not see the entire police contact. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information necessary for a meaningful investigation of her complaint.

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

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information necessary for a meaningful investigation of her complaint.

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

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information necessary for a meaningful investigation of her complaint.

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

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information necessary for a meaningful investigation of her complaint.

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

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information necessary for a meaningful investigation of her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer invaded the complainant's privacy and disturbed her peace.

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

FINDINGS OF FACT: All officers denied or did not recall knocking on the window or making or hearing the alleged comment. The officers said their decision to knock on a window to gain entry to a building would depend on the circumstances of the call. DGO 2.01(2) authorizes officers to "take all reasonable steps to prevent crime, detect and arrest offenders...." Although the investigation was unable to identify the officer who acted in the alleged manner it is determined that said actions were not improper and were reasonably within the scope of their authority.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he had mints in his mouth and one mint fell on the ground when he walked close to the officer. The complainant said he looked to the ground and the officer grabbed his neck with force and accused him of having drugs in his mouth. The officer denied the allegation. One witness corroborated the complainant's version. By a preponderance of evidence, it is more likely than not that the officer used force when he made physical contact with the complainant and placed his hand on the complainant's neck to get him to open his mouth, as he believed him to have had drugs in his mouth. Therefore the officer violated Department General Order 5.01 Use of Force.

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

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

FINDINGS OF FACT: There was no entry in the Use of Force Log. The officer stated that he does not recall any physical contact with the complainant but at most a possible contact to the chest but no reportable use of force and no complaint of pain at the scene. The complainant stated the officer asked him if he was okay and he responded yes, but he had hurt his neck. There is insufficient evidence to prove or disprove that a complaint of pain was being made at the scene.

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SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to prepare an incident report.

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

FINDINGS OF FACT: The officer did not prepare an incident report to document his contact with the complainant, which involved physical contact. The officer denied that this incident required a report because the contact was less than 15 seconds and is denying any use of force. The complainant stated the officer asked him if he was okay and he responded yes, but he had hurt his neck. There is insufficient evidence to determine that a complaint of pain was being made because the complainant had also told the officer he was okay.

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 7, 2008.

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SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer lurched his vehicle towards her, stopping within 3-5 five feet of her and her companion. The complainant's companion stated the officer accelerated his vehicle and suddenly stopped less than 4-5 feet away. Both the complainant and her companion stated the officer said to them, "I just wanted to see [the complainant] smile." A passenger in the officer's vehicle stated the officer leaned forward and said something to the complainant; the complainant's companion nodded his head and smiled. A second passenger in the officer's vehicle stated the officer did not lurch towards, and never came close to, the complainant and her companion. The officer also stated he did not lurch his vehicle toward the complainant; he stated he stopped and hunched over the steering wheel to make the complainant laugh. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleges that the officer issued her a citation without cause. The officer stated he cited the complainant for solicitation without a permit. The evidence shows that with the use of an open container, the complainant solicited money by performing an act to the public. The evidence shows that in the area where the complainant was performing, visible signs are posted prohibiting solicitation without a permit. The evidence further shows that the officer issued the citation with the approval of a senior officer who happened to be present at the scene. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant alleges that the officer harassed her on several occasions by threatening to arrest her, ordering her to move on, and interfering with her shows. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/13/07 **DATE OF COMPLETION:** 11/19/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers should not have arrested and booked him. The complainant admitted being intoxicated at the time of his arrest. He also admitted battering a cab driver. Given the complainant's admission, the officers' decision to place him under arrest at the time of this incident was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that after his arrest, several officers carried him out of the building and intentionally slammed him against the walls along the way, which caused bruises and abrasions on his body. The complainant could not specifically identify the officer(s) responsible for said actions. Pictures taken by the officers after the complainant's arrest showed an abrasion on his shoulder and redness on the chest and the back. Two primary arresting officers denied slamming the complainant and/or using any excessive force during the incident. No other witnesses came forward. The available evidence was insufficient to identify the responsible officer and to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/07 **DATE OF COMPLETION:** 11/19/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4-5: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers failed to properly investigate the incident that led to his arrest. The named members denied the alleged misconduct. The Office of Citizen Complaints found that the officers took all reasonably necessary and adequate investigative steps while handling this call for police assistance. Given the circumstances of the incident the officers' actions were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to write a complete and accurate report.

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

FINDINGS OF FACT: The complainant stated that some of the aspects of this incident were inaccurately and incompletely documented in the related police report. The officers who prepared the report insisted that they described the events of this incident accurately and completely. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/08 **DATE OF COMPLETION:** 11/20/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in racial profiling.

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

FINDINGS OF FACT: The complainant stated that an officer in an unmarked police car drove by as he was walking on Golden Gate Avenue and stared at him. The complainant said the car drove around a second time and stared at him. The complainant said, "Is there a problem?" and one officer told him that they were looking for someone that is 6'5". The complainant said he responded, "I am 6'7" and gave the officers his identification. The officers then asked him what High School did he go to and he told them. The complainant said the officers laughed and drove off. The complainant's girlfriend witnessed when the officer drove by and stared twice at the complainant but did not witness the contact. The complainant provided a license plate however it was off by a letter or number. There was no other identifying information for the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/08 **DATE OF COMPLETION:** 11/08/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. Two witness officers on scene denied the allegation, but stated they were not present for all the interactions during this traffic stop. There were no other witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer detained the complainant for a prolonged period of time without justification.

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

FINDINGS OF FACT: The complainant said she was unnecessarily detained for forty-five minutes for a traffic infraction. The complainant stated that due to the officer's behavior and line of questions regarding her out of state license plates, she was unable to find her Florida driver's license that was in her possession. The officer and two witness officers on scene stated the officer tried to expedite the procedure as much as possible given the circumstances. SFPD records show the stop and investigation took 30 minutes. There were no other witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/23/08 **DATE OF COMPLETION:** 11/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he went to the property room to recover his property and an unidentified officer told him the property was not there. The investigation is unable to determine who or why the complainant was told by property room personnel that his property was not there. The Narcotics Analysis Report documents that the property was received at the Lab on November 19, 2007 and has since been "Destroyed." There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/08 **DATE OF COMPLETION:** 11/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/08 **DATE OF COMPLETION:** 11/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he “blacked out” when he was arrested and could not identify the officer that allegedly slammed his head against a wall. Three officers stated that the complainant was belligerent and irate and would not allow the officer to handcuff him to a gurney. These officers also stated that the complainant suddenly sat up on the gurney and began banging his head against a wall. The complainant’s medical records confirmed that the complainant was intoxicated, uncooperative and was banging his head against the wall. The allegation is unfounded.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/08 **DATE OF COMPLETION:** 11/15/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 3, 2008.

SUMMARY OF ALLEGATION #3-4: The officers' comments and behavior were inappropriate.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 3, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/08 **DATE OF COMPLETION:** 11/21/08 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officers failed to write an incident report.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/08 **DATE OF COMPLETION:** 11/21/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The officers stated the complainant physically and verbally interfered when the officers were trying to speak to the complainant's fiancée. The complainant and his fiancée acknowledged that the complainant refused repeated orders to step back and remove his hands from his pockets. According to the officers, the complainant pushed one officer and told him to get back in his patrol car. After he resisted the officer's grasps, one officer employed a Department-approved leg reap and took the complainant to the ground. The complainant continued to resist. The complainant's fiancée and her brother stated that the complainant continued to resist. One of the officers was hit in the chest with the complainant's elbow. His partner effected a Department-approved carotid restraint to subdue the complainant. The complainant outweighed the officers by at least one hundred pounds. The complainant was not injured. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/08 **DATE OF COMPLETION:** 11/12/08 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATION #1: The officer's behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/08 **DATE OF COMPLETION:** 11/08/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she did not know why the officers stopped her. The officers stated the complainant's vehicle was stopped for having tinted windows, a violation of California Vehicle Code section 26708.5. The complainant acknowledged that her vehicle had tinted windows. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer used a loudspeaker to give her commands during the traffic stop. The complainant stated the officer interrogated her during the traffic stop. The named officer acknowledged that he used the loudspeaker of his patrol car to advise the complainant to remain inside of the vehicle for own her safety. The roadway is multi-laned and, is well traveled and busy. The officer said the surrounding noises reduce the ability for the driver to hear the officer's command, which is why the officer stated he used the loudspeaker. The officer stated the complainant had valid out of state drivers license and valid out of state vehicle registration. The officer stated he did question the complainant regarding the length of stay in the state, and if she had a permanent residence within California. The officer stated the complainant did not have a permanent residence in California and the complainant would not be staying in the state much longer. The officer was following the guidelines of the STOP Program section 2E, making inquiries of drivers with out of state drivers license and verifying that the driver does not have a permanent residence within California. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/08 **DATE OF COMPLETION:** 11/08/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was cited and arrested for talking on a cell phone while driving and for resisting arrest, in violation of sections 23123 (a) of the California Vehicle Code and 148 (a) (1) of the California Penal Code. The complainant admitted talking on a cell phone while driving. The complainant said she refused to sign the citation and attempted to take back her driver's license from the officer. The complainant said she may have accidentally knocked the citation book out the officer's hands while grabbing for her license. The officer stated the complainant refused to sign the citation. Furthermore, the officer stated the complainant used profanity, grabbed the officer's metal citation book and threw it at the officer. The complainant was then arrested. A witness officer corroborated the named officer's statement. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #2 & 3: The officers searched complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched the vehicle the complainant was driving. The officers stated that since the complainant was placed under arrest, the officers searched the vehicle for contraband, incident to the arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/08 **DATE OF COMPLETION:** 11/08/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer used unnecessary force during the arrest of complainant.

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

FINDINGS OF FACT: The complainant stated the officer violently pulled her from the vehicle and slammed her against the vehicle. The officer stated that despite multiple advisements for complainant to exit her vehicle, she refused to do so. The officer stated that the complainant ultimately complied and voluntarily stepped out of the vehicle, after the officer opened the door to this vehicle and unbuckled the complainant's seat belt. No witnesses were identified or developed. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/08 **DATE OF COMPLETION:** 11/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her complaint, the complainant stated that while she was at Northern Station, an officer pushed her to the ground. The complainant was never transported to Northern Station; she was transported directly to County Jail, where she was released to the care of a medic. Six officers who had contact with the complainant stated she was extremely intoxicated and could not care for herself. The complainant failed to respond to repeated contact attempts by the OCC. The allegation is not sustained.

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

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

FINDINGS OF FACT: In her complaint, the complainant stated that while she was at Northern Station, an officer called her a sexual slur. The complainant was never transported to Northern Station; she was transported directly to County Jail, where she was released to the care of a medic. Six officers who had contact with the complainant stated she was extremely intoxicated and could not care for herself. The allegation is not sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/08 **DATE OF COMPLETION:** 11/03/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleges that the officer cited him without cause. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer was discourteous.

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

FINDINGS OF FACT: The complainant alleges that the officer was rude and abusive. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/08 **DATE OF COMPLETION:** 11/17/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved rudely.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 11, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/08 **DATE OF COMPLETION:** 11/04/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/08 **DATE OF COMPLETION:** 11/20/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant, a contract tow operator, towed a recovered vehicle from a client's parking garage. The complainant stated the officer had Auto Return tow the stolen car out of his towing company instead of leaving the car at his business. The complainant said it was not fair for the officer to give the business to Auto Return instead of having the owners pick up the car at his business and allowing him to get paid for his service for the original tow and storage fees. The officer prepared the necessary report and conducted her duties per DGO 9.06

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/08 **DATE OF COMPLETION:** 11/20/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer, assaulted the complainant by violently pulling him off the bicycle the complainant was riding. As a result, the complainant fell off the bicycle and sustained injuries to his left shoulder, upper arm, left lower ribs and right thumb. The officer, who had been standing at a fixed post, stated that he observed the complainant riding his bicycle recklessly and illegally through pedestrian and vehicular traffic. When the complainant did not comply with the officer's command to stop, the officer grabbed the upper sleeve of complainant's shirt, and the complainant voluntarily stopped the bicycle without falling off. A video disc, acquired independently during this investigation, shows the complainant was not pulled and did not fall off his bicycle. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated the officer detained the complainant without justification. The complainant, however, admitted to riding his bicycle the wrong way on a one-way street. The officer stated he had seen the complainant riding his bicycle recklessly and illegally through pedestrian and vehicular traffic. Thus, he stopped the complainant and chose only to give the complainant a verbal warning. A video disc, acquired independently during this investigation, shows the complainant riding his bicycle along the curb, near pedestrians and vehicles parked in the opposite direction of complainant's travel. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/08 **DATE OF COMPLETION:** 11/20/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide medical assistance when requested by the complainant

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

FINDINGS OF FACT: The complainant stated the officer, assaulted the complainant by violently pulling him off the bicycle complainant was riding. As a result, the complainant fell off the bicycle and sustained injuries to his left shoulder, upper arm, left lower ribs and right thumb. The complainant said he requested medical attention, but the officer ignored his request. The officer, who had been standing at a fixed post, stated that he had seen the complainant riding his bicycle recklessly and illegally through pedestrian and vehicular traffic. When the complainant did not comply with the officer's command to stop, the officer grabbed the upper sleeve of complainant's shirt, and the complainant voluntarily stopped the bicycle without falling off. A video disc, acquired independently during this investigation, shows the complainant was not pulled and did not fall off his bicycle. The evidence proves that the acts alleged in the complaint did not occur and therefore medical attention was not necessary.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/08 **DATE OF COMPLETION:** 11/03/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department Bulletin 08-139 (cell phone laws).

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/08 **DATE OF COMPLETION:** 11/24/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer engaged in inappropriate behavior. The officer admitted to the alleged behavior but denied it being inappropriate. Office of Citizen Complaints' investigation established that the officer engaged in conduct that reflected discredit upon the Department. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/08 **DATE OF COMPLETION:** 11/04/08 **PAGE# 1 of 1**

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

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

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

Commanding Officer/OIC
Management Control Division
San Francisco Police Department
850 Bryant Street, #545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/08 **DATE of COMPLETION:** 11/20/08 **PAGE #1 of 1**

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO/1 **DEPT. ACTION:**

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the BART Police Department.

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO/1 **DEPT. ACTION:**

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the BART Police Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated she was seven months pregnant when her husband parked their vehicle in a handicapped zone and went to pick up take out food in an establishment nearby. The complainant stated the officer should not have issued the citation and should have allowed her to move the car since she was perfectly capable of getting out of the passenger seat, and walk around the car to move it. Section 22507.8a of the California Vehicle Code makes it unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons or veterans unless the vehicle displays a special identification license plate or distinguishable placard. The vehicle in question had neither. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/07 **DATE OF COMPLETION:** 11/15/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she told the responding officer about the threats of physical harm from her co-worker and asked to document those in a police report but the officer failed to do so. The named member stated that at no time the complainant said anything concerning such threats and appeared content with the police handling of the incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/08 **DATE OF COMPLETION:** 11/15/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers used selective enforcement on the complainant.

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

FINDINGS OF FACT: The complainant stated the officers engaged in selective enforcement. The complainant said he did not know why the officers approached them. The officers denied engaging in selective enforcement. The officers stated they saw that complainant, a juvenile, was smoking with his friends in public. Witnesses have not responded to date. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he should not have been detained, because he did not do anything wrong. The complainant further stated he did not have his identification on him. The officers stated they detained the complainant, a juvenile; because he was in possession of tobacco products and had an active “no bail” warrants arrest. The complainant was assigned to a program for boys per the courts. One of the identified witnesses has not responded to OCC requests for an interview. Two other witnesses could not be identified. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/08 **DATE OF COMPLETION:** 11/15/08 **PAGE #** 2 of 2

SUMMARY OF ALLEGATIONS #5-7: The officers used force during the contact with the complainant.

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

FINDINGS OF FACT: The complainant stated the officer did not have to use force on him. The complainant said one of the officers twisted his wrist and another officer tackled him in the middle of the street. The complainant stated the officers punched him in the face area while he was on the ground. The complainant stated he was pepper sprayed by an officer. The complainant admitted he tried to escape and initially resisted the officers. The officers said the complainant resisted, kicked, and struggled with them during handcuffing. The officers further stated the complainant refused to stop resisting and was not cooperative. The officers used physical control and OC spray in order to subdue and control the complainant. Witnesses have not responded to OCC requests for interviews. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #8: The officer made an inappropriate comment to the complainant.

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

FINDINGS OF FACT: The complainant stated one of the officers at the scene who was restraining him while he was on the ground told him he did not care if the complainant would die from the incident. The officers stated they did not hear or make any inappropriate comment to the complainant during their contact. Witnesses have not responded to OCC request for interviews. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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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 he had reliable information that the complainant was in possession of base rock cocaine. When detained, the complainant did not have any narcotics, and he denied any basis to suspect him of possession. The source of the officer's information was confidential and could not be explored further. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer immediately handcuffed him at the beginning of his detention. The officer denied the allegation and said he could not recall which officer handcuffed the complainant later in his detention. Another officer on scene said he handcuffed the complainant and offered a justification. The two officers gave conflicting statements regarding the facts of the detention and the rationale could not be verified. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer searched his vehicle and showed evidence of damage to the vehicle. The officer and another officer on scene denied that the vehicle was searched at all. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer transported the complainant to a police station without justification.

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

FINDINGS OF FACT: The complainant stated the officer transported him to the station in handcuffs and prolonged his detention without justification. The officer stated he transported the complainant in order to conduct a thorough search of his person and clothing at the station. The officer also gave limited information about a tip that might have given probable cause for arrest. The evidence showed that the complainant was transported to the station but there was insufficient evidence to establish whether an arrest was justified at that time. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer detained the complainant for a prolonged period of time without justification.

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

FINDINGS OF FACT: The complainant stated the officer transported him to the station and prolonged his detention over two hours in order to use his keys to search his residence. The officer stated he took the complainant to the station to conduct a search of his person and clothing, but acknowledged that after the clothing search, he continued to detain the complainant for almost an hour in order to conduct a residence search with the complainant's consent. There was no probable cause for a search of the residence nor any exigency that justified forcibly holding the complainant during such a search. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATIONS #6-7: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant said the officers took his wallet, identification cards, and keys during his detention. The officers denied the allegation. The first officer stated the complainant handed him the keys to his residence and gave him consent to search it. The other officer could not recall seeing the wallet and keys. There was insufficient evidence to establish whether the complainant was lawfully placed under arrest prior to transportation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated the officer illegally took his keys to his residence and entered the apartment without cause or consent. The officer stated the complainant handed him the keys while giving verbal consent for a search of the residence. There was no corroboration of the fact of the verbal consent or of the circumstances under which it was given. It was undisputed that the complainant was held in custody during the search and that no written consent was obtained. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #9: The officer searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched his apartment without cause or consent. The officer stated the complainant gave verbal consent for a search of the residence. There was no corroboration of the fact of the verbal consent or of the circumstances under which it was given. It was undisputed that the complainant was held in custody during the search and that no written consent was obtained. The officer said that he made only a brief visual sweep of the interior residence. The officer described no suspicions or probable cause that created a need to search the residence. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #10: The officer damaged property without cause.

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

FINDINGS OF FACT: The complainant said the officer damaged his passenger door panel during a search of his vehicle. The complainant had photos of the damage. He said that the damage appeared accidental, not intentional. The officer denied that he searched the vehicle and his fellow officer on scene said that the vehicle was not searched while both officers were present. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

OCC ADDED ALLEGATION:

SUMMARY OF ALLEGATION #1: The officer failed to follow proper procedures as detailed in Department General Order 1.03.

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

FINDINGS OF FACT: The officer stated he obtained verbal permission from his immediate supervisor to leave his district in order to search a suspect's residence. The supervisor could not recall this incident, but confirmed that he had the authority to give permission and that he had done so for this officer on several occasions. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-3: The officers used force during an arrest.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force on a subject. The complainant stated he sat in the restaurant and had a limited view of the contact between the officers and the subject. The complainant admitted the subject resisted and tried to escape from the officers. The officers stated the subject refused verbal commands and was not cooperative. The officers further stated the subject resisted and they used physical control and OC spray to place the suspect into custody. The witness stated the subject was not cooperative, kicking, and resisting the officers at the scene. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer is no longer with the force and not available for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Department records indicated the named officer conducted one of the allegedly improper detentions. The named officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS 1 and 2: The officers used unnecessary force to detain and arrest the complainant.

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

FINDINGS OF FACT: The named member denied the allegation. Other officers identified as having been involved in the incident either denied the allegation, did not recall the incident and or did not see the alleged force. The Civil Claim was received by the Office of Citizen Complaints in January of 2008. The incident occurred in November 2006. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied making the alleged comment. Witness officers either denied hearing the named member make the alleged comment or had no recollection of the incident. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 24, 2008.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 24, 2008.

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DATE OF COMPLAINT: 02/13/08 **DATE OF COMPLETION:** 11/08/08 **PAGE # 1 of 4**

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

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer said he did not hear anything said by the officer to the complainant. Another witness officer is no longer on the force and was unavailable for interview. Another witness did not hear the entire conversation. No other witnesses came forward. There was insufficient evidence to either 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 named and one witness officer denied the allegation. One witness officer did not see the detention. One witness officer is no longer employed by the Department and was unavailable for an interview. Another witness said he was present but not for all of the detention. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer denied the allegation. One witness officer is no longer employed by the Department and was unavailable for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. One witness reported seeing the handcuffing but did not know the reason for the handcuffing and could not hear what the named officer said. One witness officer is no longer employed by the Department and was unavailable for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to properly process property.

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

FINDINGS OF FACT: Four officers at the scene denied processing the property of the complainant. One officer searched the complainant but said he did not process the property of the complainant. One arresting officer is no longer employed by the Department and was unavailable for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-Added ALLEGATION #1: The officer failed to comply with Department Regulations for processing a 647(f) PC detention.

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

FINDINGS OF FACT: The named officer denied the allegation, and claimed a second officer completed the required processing tasks. The second officer is no longer employed by the Department and was unavailable for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC-Added ALLEGATION #2: The officer failed to comply with Department Regulations for processing a 647(f) PC detention.

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

FINDINGS OF FACT: The named officer is no longer employed by the Department and was unavailable for an interview.

SUMMARY OF OCC-Added ALLEGATIONS #3: The officer wrote an incomplete incident report.

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

FINDINGS OF FACT: The complainant said he was a witness to a crime and identified himself to the officers who responded. One named officer said the complainant was not credible. The other named officer, who wrote the report, said he was unable to locate witnesses. One witness officer denied hearing the conversation among the named officers and the complainant. One witness officer is no longer employed by the Department and was unavailable for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was waiting for a bus with a friend when the officers detained him without justification. The officers stated they detained the complainant because they saw him drinking in public from an open alcoholic beverage container. A witness on scene did not respond to OCC requests for an interview, and there no other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 3-4: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated neither he nor his friend had an open container of alcoholic beverage while at the bus stop and an officer proceeded to attempt to handcuff him without communication or justification. The officers stated the complainant was advised to dispose of an open beer bottle, but the complainant hid it next to his left torso and covered it with his jacket. After refusing to discard the open container following a second advisement, the officers said the complainant took a combative stance. The officers considered the bottle a weapon and one officer took the complainant to the ground, where both officers overcame the complainant's resistance to apply the restraints. A witness on scene did not respond to OCC requests for an interview, and there no other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officers used excessive force during the arrest and while in custody.

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

FINDINGS OF FACT: The complainant and the officers gave conflicting statements regarding the level and justification of the force used during the arrest and after the complainant was in restraints. A witness on scene did not respond to OCC requests for an interview, and there were no other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7-8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant and the officers gave conflicting statements regarding the basis for the custodial arrest. A witness on scene did not respond to OCC requests for an interview, and there were no other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer intentionally discarded the complainant's property.

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

FINDINGS OF FACT: The officer acknowledged discarding the contents of the beer bottles while at the scene and stated he did so prior to the custodial arrest to avoid the complainant to continue drinking. Although the beer bottles were not necessarily the property of the complainant, Penal Code Section 4573.5, San Francisco Police Department Booking and Detention Manual, and Department General Order 6.15 prohibits San Francisco Police Department officers from bringing contraband into County Jail facilities. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: