

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/05 **DATE OF COMPLETION:** 12/14/06 **PAGE# 1 of 2**

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 complainant described a comment made by the officer that, in the context he gave, was inappropriate. The officer acknowledged making the comment, but in a different context, which did not rise to a level of misconduct. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer acknowledged that he did not take an OCC complaint when the complainant initially contacted him and explained that the complainant only wanted to discuss issues around a failed background investigation, rather than make a complaint about an officer. He later took a complaint and forwarded it to the OCC, when the complainant contacted him again and said that was what he now wanted. 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 failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officer failed to contact the people whose names he had supplied as references for a pre-employment investigation. The officer stated that he spoke to the people he needed to, and that there were no requirements to contact every person identified. No written guidelines or directives were found during the investigation to indicate how many persons or which had to be contacted, and confidentiality provisions prevented corroboration of steps taken by the officer in his background check. 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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DATE OF COMPLAINT: 03/16/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with the rules of the road.

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

FINDINGS OF FACT: The complainant stated that a police vehicle parked on the sidewalk was blocking passage for pedestrians including an individual in a wheelchair. The named member admitted parking the car on the sidewalk while having a meal break at a nearby restaurant together with several other officers, before the beginning of their watch. The named member also stated that he was not aware of any Department regulations authorizing sidewalk parking and justified his decision only by “common sense.” The Office of Citizen Complaints found that by parking a police vehicle on the sidewalk, the officer, in fact, failed to comply with the rules of the road and violated the relevant sections of the California Vehicle Code and the San Francisco Traffic Code. The allegation is sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/18/06 **DATE OF COMPLETION:** 12/15/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer made inaccurate statements that were published in a news article. The officer said he had no specific recollection of the reporter or the news article. The officer stated that he had no knowledge and still does not of any report of sexual assaults in the strip clubs. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The San Francisco Police Department failed to properly investigate.

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

FINDINGS OF FACT: The co-complainant stated that she filed cases with the SFPD and they were not investigated. She also stated an officer in the street refused to investigate and write a report and instead referred her to a station. The co-complainant's records only show one incident with the SFPD and that is regarding a dog bite. The co-complainant as of today has not provided case numbers and specific dates of her reports. The co-complainant has failed to provide any specific date or description of the officer she tried to report an incident to. There is insufficient information to continue investigating this allegation without the co-complainant's much needed information.

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SUMMARY OF ALLEGATION #3: The San Francisco Police Department failed to write Incident Reports.

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

FINDINGS OF FACT: The co-complainant has failed to provide case numbers and specific dates of her reports. The co-complainant has failed to provide any specific dates or other information as to the names that were used to report these cases. There is insufficient information to continue investigating this allegation without the co-complainant's much needed information.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/11/06 **DATE OF COMPLETION:** 12/01/06 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The officer placed a Warning of Tow Notice on the complainant's vehicle causing the vehicle to be towed in violation of department policy and the California Vehicle Code.

SUMMARY OF ALLEGATIONS #2 AND 3: The officers conduct was based on an intent to harass the complainant.

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

FINDINGS OF FACT: The conduct alleged to have occurred was not supported by any evidence.

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DATE OF COMPLAINT: 05/22/06 **DATE OF COMPLETION:** 12/28/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers made false statements, inaccurate reports and were conducting an “investigatory war” against him. The officers denied the allegations and stated they responded to contacts with the complainant based on complaints filed with the San Francisco Police Department. This was corroborated by San Francisco Police Department records and court records. The evidence proved that the officers actions 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 failed to investigate.

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

FINDINGS OF FACT: The complainant stated the officer did not interview any witnesses at the scene. The officer stated the complainant was the suspect in a complaint of criminal threats. The complainant was briefly detained and evaluated for 5150 W&I, but was not charged with a crime. The stated the officer should have interviewed an unknown female witness. The officer said he contacted the reporting party, who identified the complainant, but the reporting declined to press charges. Both the officers and the reporting party said there were no other witnesses, although the officer said he talked to several people in the vicinity. Once the officer determined that he was not going to take action against the complainant, he had no further duty to investigate. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated the officer told him to go home, and refused to let complainant use his pen to write down his name and star number. The officer said the complainant told him he was going home, and the officer agreed this was a good idea. The officer stated he declined to let the complainant use his pen because the complainant was hostile and aggressive. The reporting party also stated the complainant was hostile and aggressive, and that the officers were calm and professional. The officer's conduct was proper.

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DATE OF COMPLAINT: 06/26/06 **DATE OF COMPLETION:** 12/29/06 **PAGE# 1 of 3**

SUMMARY OF ALLEGATIONS 1 and 2: The officers interfered with the complainant's right as an onlooker.

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

FINDINGS OF FACT: The officers stated that the complainant ignored their orders to move off the street and onto the sidewalk resulting in his detention and arrest. The complainant stated that he was following the officer's orders by walking backwards toward the sidewalk in an effort to continue video taping the police activity that was taking place in the street. The evidence is inconclusive as to whether or not the complainant was substantially complying with the officers' orders when they made the decision to detain him and therefore a definitive finding cannot be reached.

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

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

FINDINGS OF FACT: The complainant's initial contact was with the named member whose actions precipitated subsequent law enforcement actions resulting in his arrest. Because the justification for the complainant's detention is disputed, there is insufficient evidence to establish whether or not subsequent actions, including the complainant's arrest, were justified.

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SUMMARY OF ALLEGATIONS 4, 5 and 6: The officers used unnecessary force.

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

FINDINGS OF FACT: The officers stated that the complainant ignored verbal commands, took a fighting stance against the officers, asserted that he would not be arrested and then physically resisted attempts to take him into custody. The complainant admitted to running from the police and hiding in an attempt to evade contact but stated that the officers' use of batons was unnecessary. Because the justification for the detention/arrest is inconclusive a definitive finding cannot be reached as to whether the officers' subsequent force was justified.

SUMMARY OF ALLEGATION #7: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: Because the evidence is inconclusive as to the justification for the detention/arrest a definitive finding cannot be reached as to the subsequent charges.

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SUMMARY OF ALLEGATION #8 : The officer mishandled the complainant's property.

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

FINDINGS OF FACT: The officer denied the allegation. Other officer on-scene denied any knowledge of the mishandling of the complainant's property. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer destroyed evidence.

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

FINDINGS OF FACT: The officer denied the allegation. Other officers on-scene denied any knowledge of the property in question. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1 & 2: The officers used inappropriate comments and behavior toward the complainant.

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

FINDINGS OF FACT: The complainant stated the officers harassed him and made inappropriate comments. The complainant stated the officers followed him from the street to the store, called him names, and made him feel uncomfortable. The complainant admitted he was angry and upset at the officers, and insulted the officers. The officers stated they asked the complainant if he was all right. The officers stated they were not upset or angry with the complainant. The witnesses stated the complainant was upset and the officers were calm and professional. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant did not respond to requests for interviews, and failed to provide the requested necessary information.

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

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

FINDINGS OF FACT: The complainant did not respond to requests for interviews, and failed to provide the requested necessary information.

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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:

Carol Benard
Emergency Communications Department
1011 Turk Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/20/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer had a rude attitude and demeanor.

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

FINDINGS OF FACT: The complainant stated the officer was rude, loud, and disrespectful toward him. The complainant stated the officer yanked his car keys from his hand and accused him of having an explosive weapon in the car. The complainant further stated the officer ordered him to move to the sidewalk. The officer stated he was calm and professional toward the complainant. The officer stated he did not grab or jerk the car keys from the complainant's hand nor accused him of having a weapon in the car. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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 11/13/06.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: Both officers stated that the complainant was arrested pursuant to a citizen's arrest. The citizen stated that the complainant was trespassing on his property and had no legal right to be on his property. The complainant acknowledged that she tried to hide from this property owner. The officers' actions were proper.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: Both officers denied using any force to arrest the complainant. Both officers stated that the complainant was heavily intoxicated and had to be carried out of the building. The complainant acknowledged that she had been drinking and fell asleep before the officers woke her up. There were no available witnesses. There was no additional evidence to further 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 complainant said she was not speeding because she had just pulled out of the gas station and there were two cars ahead of her. The officer denied the allegation. The officer stated that he was doing radar enforcement and said that the complainant was driving 42 MPH, which was over the speed limit of 25 MPH. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated the officer inquired as to where she obtained her driver's license, in what language did she take the test, and told her to take English classes and that they were free. The officer denied the allegation. He stated that he might have recommended that she take an English class because he knows a place that teaches English classes for free. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant said the officer was racist and/or has something against Latinos. The officer denied the allegation. The officer submitted copies of the citations he wrote the same day of the incident and showed that he wrote citations to various people of different genders and races.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers refused to write Incident Reports. The officers stated the complainant did not ask for any written Incident Reports. There were no witnesses during the incident. There was insufficient evidence to prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer was aggressive and not professional toward him at the station. The officer stated he listened and acted professional toward the complainant. There were no witnesses during the incident. There was insufficient evidence to prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATION #1: The officers used excessive force on the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer harassed him and issued several citations without cause. The complainant admitted not having a San Francisco Airport permit to operate his vehicle. The officer stated he cited the complainant for violation of Airport Commission's Rules and Regulations 1.4.7 A for not having a valid permit or certificate for using the roadways of the Airport as part of a business. There were no witnesses during the citations/incidents. 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 used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that he was fleeing from the police, and was running full speed when the named officer stuck out his arm. The complainant stated that he ran into the officer's arm, injuring his lip. The police report states that the complainant was observed making a drug sale and fled when officers approached him. The evidence proved that the named officer's action was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to write a complete and accurate accident report.

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

FINDINGS OF FACT: The complainant stated that the named officer misrepresented the complainant's statement to the officer following an accident. The officer denied the allegation. Five witnesses to the accident and its aftermath said they did not hear the statement made to the officer by the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer told her he would cancel the traffic citation after she left the scene. The complainant stated she did read and sign a citation but the officer did not issue a copy to her at the scene. The complainant received a notice from the Traffic Court of an unpaid traffic fine several months after the incident. The officer stated he did not tell the complainant that he would cancel the citation. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer asked if she was married after he issued the citation to her. The officer stated he did not ask the complainant about her marital status. There were no witnesses during the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer used profanity, made rude comments and exhibited a rude demeanor,

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer threatened the complainant's companion.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant has repeatedly failed to provide a statement along with consent to obtain evidentiary documents necessary to investigate her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 behaving in an inappropriate manner and stated that the complainant was yelling at, and making inappropriate comments to, a female officer. The female officer confirmed this and stated that the officer behaved professionally. The complainant's father stated that the officer yelled that he was the police, and ordered the complainant to "Sit in your golf cart and don't move." An unidentified witness declined to be interviewed. 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 #1-2: The officers detained the complainant without justification.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on December 18, 2006.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on December 18, 2006.

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SUMMARY OF ALLEGATION #5-6: The officers exhibited inappropriate behavior and made inappropriate comments

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on December 18, 2006.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer was loud, hostile, and laughed at her at the scene. The officer denied the allegation. The witness stated he did not hear what the officers said at the scene. There were no other witnesses at the scene. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to secure the complainant's property.

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

FINDINGS OF FACT: The complainant stated she was not given enough time to secure her personal belongings from her friend's vehicle. The officer stated the complainant was provided with ample and reasonable time to secure her personal property and to secure the vehicle. The witness stated he did not hear what the officers said at the scene. There were no other witnesses at the scene. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated her friend's vehicle should not have been towed from the scene because it was legally parked. The officer stated after a Department of Motor Vehicles (DMV) query, the vehicle was not currently registered and possessed expired vehicle tags. The complainant's friend, who is the registered owner of the vehicle, admitted he failed to keep his vehicle registration current with the DMV in violation of CVC §4000(a) 1. Furthermore, the complainant's friend's vehicle was legally towed in accordance with DMV cvc §22651 (o), 1. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used selective enforcement on the complainant.

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

FINDINGS OF FACT: The complainant stated the officer had no reason to conduct traffic enforcement against him and not other motorists. The officer stated he noticed the complainant's vehicle did not have valid license plates. The witness did not provide a statement. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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 him without justification. The investigation established that the complainant was driving an unregistered vehicle. The officer's actions were proper.

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DATE OF COMPLAINT: 09/28/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The investigation established that the complainant was driving an unregistered vehicle. The officer's actions were proper.

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

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

FINDINGS OF FACT: The complainant stated the officer should not have asked him whether he was on probation or had any warrants outstanding. The officer stated he did ask the complainant if there were any warrants or if the complainant was on probation pursuant to a lawful detention. The officer denied using profanity. There is insufficient evidence to either prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/10/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officers tampered or edited the recording taken during the contact. The officers 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
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DATE OF COMPLAINT: 10/10/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers failed to investigate the assault and injuries he sustained on the date of the incident. The officers denied the allegation. The officers stated that complainant was uncooperative and incoherent in his responses to their inquiries. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers arrested and brought him to jail for no reason instead of taking him to the hospital for his injuries. The officers denied the allegation. The officers stated they arrested the complainant for public intoxication and they did not observe any injuries to the complainant. The officers stated that a nurse medically screened the complainant before being booked at County Jail #9. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/10/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he went to Southern Police Station to file a police report. The complainant stated the officer whom he spoke with at the station denied his request. The commanding officer stated none of his officers were involved in the contact alleged by the complainant. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/06 **DATE OF COMPLETION:** 12/14/06 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO2 **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he informed the complainant that the red light he went through is an intersection where serious traffic accidents had occurred. The officer said he informed the complainant that if his mind becomes preoccupied while driving he should pull over to compose himself so not to endanger his life or others. The officer stated he was calm and patient. The officer noted he has fifteen years of experience working in that particular district. The complainant admitted that he was unaware of the traffic signal and went through the red light. There were no witnesses. There is 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/06 **DATE OF COMPLETION:** 12/15/06 **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 named and one witness officer denied the allegation. No other witnesses were identified. 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
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DATE OF COMPLAINT: 10/19/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer detained him under California Welfare and Institutions (WI) §5150 without a justifiable reason. The SFPD Event History Detail, Incident Report and the Emergency Communications Division tape-recording provided sufficient evidence to support the officer's detention of the complainant, under California Welfare and Institutions §5150, was justified, lawful and proper.

SUMMARY OF ALLEGATION #2-5: The officers failed to investigate the complainant's report of crime.

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

FINDINGS OF FACT: The complainant alleged the officers failed to investigate his report of a burglary. The SFPD Event History Detail, Incident Report and the Emergency Communications Division tape-recording, however, provided sufficient evidence to indicate the complainant made no such request to investigate a burglary and that such a request, if made, would not be reasonably undertaken given the circumstances of this case. Therefore, the officers' failure to investigate was neither unjustified, unlawful, or improper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/23/06 **DATE OF COMPLETION:** 12/14/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant and her son, who was a witness to the alleged police misconduct, failed to provide additional requested evidence in connection with this complaint.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/24/06 **DATE OF COMPLETION:** 12/27/06 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was stopped and detained for no reason. The officers stated they saw the complainant park his car and cross the street without using the marked crosswalk. The officers detained complainant for violation of 21954(a) VC. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant said he was handcuffed tightly when arrested. The officer denied the allegation and stated he checked the degree of tightness and double locked them when he handcuffed the complainant. Other officers on the scene corroborated the officer's account. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant said he was kicked, choked, and his face repeatedly banged to the ground. The officer denied the allegation but stated a reasonable amount of force was used on complainant who resisted the arrest and was hostile towards the officers during the contact. The complainant's medical records show his injuries were relatively minor and could have been caused by other factors. Other officers on scene stated that a minimal amount of force was necessary in order to effectively arrest the complainant. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7: The officer failed to state the reason for the detention and arrest of the complainant.

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

FINDINGS OF FACT: The complainant said he asked the officer what violation had he committed. The complainant said the officer did not answer his question. The officer denied the allegation and stated that complainant was properly informed about his detention and arrest. Other officers on scene supported the officer's account. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant said the officer made inappropriate comments. The officer denied the allegation. Other officers on scene corroborated the officer's account. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #1: The officer failed to conduct a proper investigation.

CATEGORY OF CONDUCT: ND

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The officer stated he interviewed the complainant's son, who lives in another city, on the telephone. During his investigation of this incident, the officer interviewed all the involved parties and obtained the police report and photos taken by a police department in another jurisdiction. The complainant's son told the OCC his mother was present for just a few seconds during his telephone interview with the officer and stated that he was not pressured by anyone to change his story. The complainant's son further stated that he told the inspector the truth about the incident. The officer's investigation was proper.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/06 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer made intimidating and threatening comments.

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant was not being truthful about the alleged comment. The officer stated a triple shooting had occurred earlier in the same area that he observed and contacted the complainant's sons. The officer said he admonished the complainant's sons in regards to loitering and/or trespassing on housing authority property. The witness said she believed the comment made to her brother was a threat. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer harassed the complainant's son without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating that a triple shooting had occurred earlier in the same area that he observed the complainant's son. The officer said he observed the complainant's two sons and daughter running to a car. The officer observed one of the complainant's son to have what appeared to be blood on his shirt. The officer stated he approached the complainant's two sons and daughter for safety reasons. The complainant admitted that one of her sons was in the immediate area of the earlier shooting and had blood on his shirt while attempting to assist one of the victims. The witness admitted the officer's questions directed to her brother, was most likely in regards to the recent shooting. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The sergeant denied the allegation, stating she provided the complainant with two OCC complaint forms and even offered to complete the form for the complainant. The sergeant said the complainant refused her services by stating she did not want to file a complaint at that point. The complainant admitted the sergeant provided the OCC complaint forms to her. However, the complainant thought the sergeant directed the station duty officer to take her complaint. There were no other witnesses. There is 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: 11/01/06 **DATE OF COMPLETION:** 12/ 27/06 **PAGE#** 1 of 2

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

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

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

San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness Ave. # 350
San Francisco, CA 94102

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

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

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

San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness Ave. # 350
San Francisco, CA 94102

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

CATEGORY OF CONDUCT: SS **FINDING:** IO(1) **DEPT. ACTION:**

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

San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness Ave. # 350
San Francisco, CA 94102

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #1: The officer made an inaccurate report.

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

FINDINGS OF FACT: The complainant stated the officer made an inaccurate report. The officer denied the allegation. There were no independent witnesses to the contact. 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: 11/07/06 **DATE OF COMPLETION:** 12/26/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers failed to receive a citizen's arrest.

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 December 18, 2006.

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

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 December 18, 2006.

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant withdrew this complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/25/05 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to provide evidence necessary to the investigation of the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to provide transportation.

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

FINDINGS OF FACT: The complainant failed to provide evidence necessary to the investigation of the complaint.

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SUMMARY OF ALLEGATION #1: Conduct Reflecting Discredit for inappropriate comments and behavior.

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

FINDINGS OF FACT: The complainant withdrew the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer improperly searched the complainant's room.

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

FINDINGS OF FACT: The complainant withdrew this complaint.

SUMMARY OF ALLEGATION #2: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant withdrew this complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/05 DATE OF COMPLETION: 12/28/05 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for making an illegal turn, when the complainant alleged he made no turn at all but, rather, honked to gain the officer's attention to which the officer took offense. The officer denied the allegation, stating that he viewed the complainant make an illegal turn, in violation of California Vehicle Code §22101(d). There were no witnesses to the traffic infraction. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that, when he questioned the officer's reasoning for citing him, the officer glared at him and threatened to cite him for further non-existent infractions. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/27/05 DATE OF COMPLETION: 12/28/05 PAGE# 3 of 3

SUMMARY OF ALLEGATION #5: The officer exhibited inappropriate behavior.

CATEGORY OF CONDUCT: FINDING DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged that, eight days after his traffic citation stop, the officer again approached his vehicle and photographed his vehicle for unknown reason(s). 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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COMPLAINT SUMMARY REPORT**

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

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

FINDINGS OF FACT: The complainant stated he requested to know the officer's supervisor's name, and requested the supervisor be summoned to the scene, to which the officer refused to do. The officer denied the allegation, stating no such requests were made. There were no witnesses to this conversation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged that, six days after his traffic citation stop, the officer approached his vehicle, wearing a threatening expression, and photographed his vehicle for unknown reason(s). The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/27/05 **DATE OF COMPLETION:** 12/29/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1 & #2: The officers failed to take an Incident Report.

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

FINDINGS OF FACT: After investigating, the officers discovered that no crime had been committed. There is no duty to write San Francisco Police Department Incident Reports when no crime has been committed, according to the Department General Orders.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

FINDINGS OF FACT: The complainant stated he was beaten by a large black officer. Department records indicated that no officer meeting this description was present. Seven officers who were present denied using or seeing the unnecessary use of force. Witnesses to the incident prior to police contact with the complainant describe seeing the complainant fall on his face on the street. Two other witnesses who were at the scene denied that any officer used unnecessary force. There is insufficient evidence to identify the officer alleged to have used the force, or to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2, 3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The named and five witness officers denied the allegation, stating that the complainant was not detained for a criminal investigation, but only to keep him safe until medical attention could arrive. Two witnesses stated they knew of no criminal investigation that took place. Department records indicate no criminal investigation took place. Two witnesses to the complainant's actions who called 911 reported that the complainant was acting in a fashion that could have led to his serious injury. The evidence proved that the actions that formed the basis of the allegation occurred; however, such actions were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/22/06 **DATE of COMPLETION:** 12/14/06 **PAGE # 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the personnel in the Department Records unit never responded to his written request for a copy of a specific accident report. The Office of Citizen Complaints was unable to verify whether, in fact, the Records unit received the complainant's letter or to identify and question the member(s) who was supposed to handle the complainant's request for the said accident report. 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
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DATE OF COMPLAINT: 11/15/05 **DATE OF COMPLETION:**12/29/06 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer failed to follow proper procedures in executing a search warrant.

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

FINDINGS OF FACT: The complainant stated the officer failed to observe proper knock and notice requirement before forcibly entering the co-complainant's residence to serve a search warrant, as corroborated by the co-complainant. The officer denied the allegation, stating proper knock and notice requirements were observed, as partially corroborated by an Emergency Communications Division tape-recording. There is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers interrogated an arrestee in violation of his Miranda Rights.

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

FINDINGS OF FACT: The complainant stated the officers interrogated the co-complainant without first advising him of his Miranda rights, in violation of the 5th Amendment. The superior officer denied the allegation, stating a "Public Safety Exception" to the Miranda advisement existed; that is, it is in the interest of officer and public safety to establish the location of firearms during the execution of a search warrant, which is paramount to the co-complainant's 5th Amendment protection. While California case law supports the officer's assertion, there is insufficient evidence to establish whether the officer(s) continued their questioning or interrogation of the co-complainant without first reading the Miranda advisement to the co-complainant after the officers secured the residence.

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SUMMARY OF ALLEGATION #4: The officer misrepresented the truth in court proceedings.

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

FINDINGS OF FACT: The complainant stated the officer falsely testified in court, during a preliminary evidentiary suppression hearing, that he observed proper knock and notice requirements while executing a search warrant. The officer denied the allegation, stating he truthfully testified that proper knock and notice requirements were observed, as partially corroborated by an Emergency Communications Division tape-recording. There is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5-6: The officers intentionally destroyed property.

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

FINDINGS OF FACT: The complainant stated the officers unlawfully destroyed a front door when forcibly entering the co-complainant's residence. The superior officer denied the allegation, stating the officers had proper authority to forcibly enter the co-complainant's residence, absent the latter's failure to reply to proper knock and notice procedure. The Office of Citizen Complaints investigation determined the evidence was insufficient to establish the officers followed appropriate knock-notice procedure. Therefore, there is insufficient evidence either to prove or disprove the allegations.

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SUMMARY OF ALLEGATION #7: The officer detained the co-complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated the officer violated proper knock-notice procedure and, therefore, forcibly entered a residence, detaining the co-complainant at gunpoint. The officer denied the allegation, stating proper knock and notice requirements were observed and the totality of the circumstances warranted the detention of the co-complainant at gunpoint. As the Office of Citizen Complaints investigation had insufficient evidence to determine the validity of the officers' knock-notice given to the co-complainant, there is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated an officer improperly placed a knee on the co-complainant's neck and upper back, while another officer handcuffed the co-complainant. The superior officer denied the allegation, stating the named officer used San Francisco Police Department Academy-trained procedure to maintain physical control of the co-complainant prior to handcuffing him. The Office of Citizen Complaints investigation determined the officer used proper technique to maintain physical control of the co-complainant (probationer) subject to the execution of a search warrant; however, there is insufficient evidence to establish the officers were properly inside the co-complainant's residence, such that any appropriate force used to detain the co-complainant would be unjustified. Thus, there is insufficient evidence either to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer misused police authority in obtaining a search warrant.

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

FINDINGS OF FACT: The co-complainant stated the officer abused his authority when releasing a person who had committed a crime in exchange for information that led to a search warrant of the co-complainant's residence and his arrest. The superior officer denied the allegation, stating the named officer had discretion to not arrest a confidential informant who was observed committing a crime provided any evidence was booked and a report was written. The California Penal Code supports the superior officer's assertion, such that the named officer did not misuse his authority when releasing the informant and using the latter's information to swear out a search warrant that led to the co-complainant's arrest.

SUMMARY OF ALLEGATION #10: The officers handcuffed and detained a bystander without justification.

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

FINDINGS OF FACT: The co-complainant stated officer(s) detained a person visiting a neighboring apartment without justification. The superior officer did not specifically recall this event but denied the allegation, stating the totality of the circumstances required a safety first approach to securing the immediate area around the residence to be searched. The Office of Citizen Complaints investigation determined there was insufficient evidence regarding the circumstances of the person detained, such that there is insufficient evidence either to prove or disprove the allegation(s).

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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:

Attn: Yusmne Holloway-Bridggs
San Francisco Municipal Transit Agency
Passenger Service
949 Presidio Avenue, Room 237
San Francisco, CA 94115

SUMMARY OF ALLEGATION

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: CRD **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 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:

Lt. Al Kennedy
Internal Affairs Unit
San Francisco Sheriff's Department
25 Van Ness Avenue
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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SUMMARY OF ALLEGATION #1-3: The officers displayed a weapon without justification

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

FINDINGS OF FACT: The officers denied the allegation, stating they drew their weapons while conducting a protective sweep for a potentially armed suspect. A witness stated the complainant made a threatening statement to him, his utility crew, and a city employee. The witness heard the complainant state, "I should go get a shotgun and start blowing people away." 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 sergeant threatened the complainant.

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

FINDINGS OF FACT: The sergeant denied the allegation, stating he did not threaten to physically harm the complainant. The sergeant stated his demeanor was professional during the incident. However, the sergeant said the complainant was agitated, defiant, and uncooperative. The assisting officers on the scene corroborated the sergeants' account that the complainant was verbally abusive to the officers. After numerous contacts, the complainant failed to contact OCC with evidence and witness information, as promised. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5-6: The officers harassed and threatened the complainant without justification.

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

FINDINGS OF FACT: The officers denied the allegation, stating they responded to a call that the complainant had made threats to shoot people with a shotgun. The complainant was reported to be in an agitated state and had reentered his residence. The officers took quick and immediate action to locate the potentially armed suspect within the complainant's residence. The officers conducted a "Knock and Notice" prior to entering the complainant's home. The complainant failed to respond or acknowledge the officers at his door. The officers conducted a protective sweep in the residence. During the arrest, the officers utilized appropriate techniques to arrest and handcuff the complainant. A witness stated the complainant made the threatening statement to him, his utility crew, and a female parking traffic officer. The witness said the police acted properly and took necessary action to handle the situation. After numerous contacts, the complainant failed to contact OCC with evidence and witness information, as promised. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #7-10: The officers made entry into a residence without cause.

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

FINDINGS OF FACT: The officers denied the allegation, stating they entered the complainant's residence to conduct a protective sweep in search of a potentially armed suspect [complainant]. The CAD corroborates the account of the officer's response to a call of an irate citizen [complainant] that was upset over having his vehicle towed. The complainant made a deadly terrorist threat to "Get a shotgun and shoot some people. The complainant was reported to be in an agitated state and had reentered his residence. A witness stated the complainant made the threatening statement to him, his utility crew, and a female parking traffic officer. The witness stated the police acted appropriately and took immediate action to handle the incident. The officers took measures to locate the potentially armed suspect within the complainant's residence. The officers corroborated that numerous "Knock and Notice" attempts were made by the sergeant onscene. The sergeant made attempts to request the complainant come out of his residence. Yet, the complainant failed to respond or acknowledge the officers at his door. Per the California Peace Officers Legal Sourcebook, officers may make warrantless entries into a residence if "exigent circumstances" exist. This incident would allow such an entry, due to the "imminent danger to life or welfare."

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SUMMARY OF ALLEGATION #11-15: The officers searched a residence without cause.

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

FINDINGS OF FACT: The officers denied the allegation, stating they entered the complainant's residence to conduct a protective sweep. The officers corroborated they were in search of a potentially armed suspect [complainant]. The officers said the protective sweep was performed due to the serious nature of the call and for the imminent danger to life. A witness stated the complainant made the threatening statement to him, his utility crew, and a female parking traffic officer. The witness stated the police acted appropriately and took immediate action to handle the incident. Per the California Peace Officers Legal Sourcebook, officers have the right to make a warrantless entry into a residence for "exigent circumstances." To prevent imminent danger to life, a "protective sweep may be conducted.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating she had no physical or verbal contact with the complainant. The officer said though the CAD states she responded to assist an officer with a prisoner, she did not recall responding to the hospital to monitor the prisoner. The named officer is not documented on the incident report. Another officer was directed to transport the complainant, rather than the named officer identified by the complainant. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest him if he did not allow the officer to make entry into the building. The officer stated he did not recall having any contact with the complainant during the incident. The officer recalled in general the crowd at the building was angry and aggressive. There were witnesses that have not responded to OCC request for interviews. Other witnesses stated the officers were calm and professional at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer was angry, nasty, and intimidating. The officer stated he was not angry. There were witnesses that have not responded to OCC request for interviews. Other witnesses stated the officers were calm and professional at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3-4: The officers used force during an arrest.

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

FINDINGS OF FACT: The complainant stated he saw officers use force during an arrest of an unknown male individual. The complainant stated he saw one officer choke an unknown male individual and force him to the ground. The identified officer stated he and other officers took into custody a male individual who was threatening and resistive. There were witnesses that have not responded to OCC request for interviews. Other witnesses stated the officers were calm and professional at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5-6: The officers arrested an individual without cause.

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

FINDINGS OF FACT: The complainant stated the officers arrested a male individual without cause. The complainant stated the unknown arrestee did not pose a threat or resist the officers. The identified officer stated he cited and released a male individual for blocking entry into the building and striking an officer. The identified officer stated the cited male individual was angry and aggressive. Other officers stated they did not have any contact with the individual and others. There were witnesses that have not responded to OCC request for interviews. Other witnesses stated the officers were calm and professional at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #7-8: The officers used force during a detention.

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

FINDINGS OF FACT: The complainant stated the officers grabbed his shoulder and arm. The complainant admitted he told the officers that they were not allowed into the building and attempted block the officer entrance into the building. The officers stated they did not recall having any contact with the complainant at the scene. There were witnesses that have not responded to OCC attempts for interviews. Other witnesses stated the officers were calm and professional at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated the citation was not accurate. The complainant stated that the officer that made contact with the complainant at the scene was not the officer who signed the traffic citation. The complainant stated a different officer signed off on the citation. The officers stated they did not write an inaccurate citation. One of the officers stated he had contact with the complainant and he issued the citation. The other officer stated he had no contact with the complainant and did not issue a citation to the complainant. There were no witnesses at the scene. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the officer misrepresented himself along with another officer regarding who issued the citation and who had the actual encounter with her at the scene. The complainant identified an officer who was not the officer who signed off on the citation. The complainant stated the officer who appeared in traffic court was not the officer who stopped her and issued her the traffic citation. The officers denied misrepresenting the truth regarding who met with the complainant and who issued and signed the citation at the scene. There were no witnesses at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer harassed her and her boyfriend. The complainant stated the officer was loud and rude. The complainant stated that her boyfriend spat on the sidewalk in front of the officer. The officer stated he advised the complainant and her boyfriend that spitting on the sidewalk was an infraction. The officer stated he did not yell nor was he rude toward the complainant and her boyfriend. There were no other witnesses during the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: In her written narrative, the complainant stated the officer ordered her to move along and take her personal property, but did not allow the complainant sufficient time to comply before her property was allegedly taken and destroyed. The officer stated the complainant was maintaining an unlawful encampment, so the officer told her to move her belongings. The officer stated that she merely cited the complainant and documented the infraction, but that the complainant's belongings were not disturbed in the officer's presence. Neither the complainant nor the witness has responded to date for a statement. The evidence is inconclusive as to the nature of the complainant's contact with the officer, the date of the occurrence, and the sequence of events. Without further information from the complainant, it is not possible to reach a finding at this time.

SUMMARY OF ALLEGATION #2: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated her personal property was taken and destroyed by a trash compactor vehicle ordered by the officer. The complainant stated the officer should have given her more time to get all her personal belongings. The officer stated she did not take any of the complainant's personal property, nor did the officer request the Department of Public Works (DPW) to respond to the scene. The DPW stated and their records indicated they did not respond to the scene, nor were they called to the scene by the officer, and there is no record of the complainant's personal property on file with DPW. Neither the complainant nor the witness has responded to date for a statement. The evidence is inconclusive as to the nature of the complainant's contact with the officer, the date of the occurrence, and the sequence of events. Without further information from the complainant, it is not possible to reach a finding at this time.

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

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

FINDINGS OF FACT: The complainant stated the officer harassed her and she felt her life was in danger. The officer stated she did not harass or put the complainant in danger. The officer stated she told the complainant not to encamp on a public street/sidewalk and to move along with her personal property. The officer stated she cited the complainant due to the illegal encampment. Neither the complainant nor the witness has responded to date for a statement. The evidence is inconclusive as to the nature of the complainant's contact with the officer, the date of the occurrence, and the sequence of events. Without further information from the complainant, it is not possible to reach a finding at this time.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: