

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/04 **DATE OF COMPLETION:** 01/29/05 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: The officers arrested the complainant based on a witness's description of a suspect of an earlier incident which occurred outside of their presence. The witness signed Citizen's Arrest and Cold Show Admonishment forms, however, the witness denied viewing the subject while the subject was in police custody to verify his identification. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers behaved inappropriately toward the complainant.

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

FINDINGS OF FACT: The named member denied the allegation. Other officers denied behaving in the alleged manner or witnessing any other officer behave in the alleged manner. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer threatened the complainant.

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

FINDINGS OF FACT: The named member denied the allegation. Witness officers denied hearing the named member threaten the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: Officers at the scene denied using or hearing any other officer use profanity. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7- 9: The officers failed to provide immediate medical attention.

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

FINDINGS OF FACT: The officers stated that despite the complainant's complaint of a broken nose, he had no visible signs of injury and was booked into the county jail without incident. Jail medical records document no report of nose injury and that no obvious injuries were observed. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer conducted a strip search of the complainant without justification.

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

FINDINGS OF FACT: Officers denied participating in or having any knowledge of a strip search having taken place. There is no documentation that a strip search was conducted. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer used unnecessary force against the complainant at the arrest location.

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

FINDINGS OF FACT: The complainant stated that while seated in the back of the patrol car the officer punched him in his nose. The officer denied the allegation. Witness officers denied seeing the alleged act. There is no documentation that any force was used against the complainant during his arrest. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #12-13: The officers handcuffed the complainant too tightly.

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

FINDINGS OF FACT: The named member denied the allegation and denied ever hearing the complainant complain that the handcuffs were too tight. Other officers at the scene denied placing cuffs tightly on the complainant or hearing the complainant complain of the handcuffs being too tight. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officer used unnecessary force against the complainant while in detention.

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

FINDINGS OF FACT: The complainant stated that while being escorted to the transporting unit he was pushed, kicked, dragged and thrown. Officers present at the scene denied that the alleged acts occurred. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer used unnecessary force against the complaint during a strip search.

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

FINDINGS OF FACT: The complainant stated that while being strip searched he was forcefully kicked in the foot causing pain. Officers present at the station denied that the alleged act occurred. There is no documentation that a strip search was conducted. There is insufficient evidence to prove or disprove the allegation.

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OCC ADDED ALLEGATIONS

SUMMARY OF ALLEGATIONS #1-3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he was strip searched at the station. The officers denied conducting or having any knowledge of a strip search having been conducted on the complainant. Witness officers denied any knowledge of a strip search having been conducted. There is no documentation that a strip search was conducted. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer failed to follow department guidelines in the conducting of a Cold Show Admonition. The officer admitted that she did not bring the viewer to the subject for the identification.

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SUMMARY OF ALLEGATIONS #1-2: The officers engaged in selective enforcement of the law.

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

FINDINGS OF FACT: The complainant stated that the officers would have taken the required enforcement actions if he were of a different race. The named members stated that the complainant's race played no role in their investigation of this incident. Three witnesses to the occurrence did not respond to the OCC's request for an interview. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant stated he asked the officers to arrest the person who pulled a knife on him and threatened to use it. The named members stated that the complainant refused to sign a citizen's arrest form so that they could place the said individual into police custody. Three witnesses to the occurrence did not respond to the OCC's requests for an interview. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to investigate the incident.

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

FINDINGS OF FACT: The complainant stated that he reported to the officers that a person pulled a knife on him and threatened to use it, but the officers did not properly investigate this report of a crime. The named members stated that the statements from other individuals involved in this incident did not fully corroborate the complainant's report. Three witnesses to the occurrence did not respond to the OCC's request for an interview. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that, although the officers located the knife, which he identified as the one he had been assaulted with, the officers did not handle it properly and, presumably, gave the knife back to the suspect. One named member stated that he indeed located the knife at the scene and the complainant identified it as the one that had been pulled at him during the confrontation with another person. This named member stated that he left the knife at the residence, but did not give it back to the suspect. The second named member stated that a knife was found during the police investigation but the complainant failed to identify it as the crime weapon and the officers left the knife in the residence. Three witnesses to the occurrence did not respond to the OCC's request for an interview. The OCC was unable to determine whether the officers, in fact, gave the knife that had been used against the complainant back to the suspect. However, the available evidence established that, while handling the said knife, the named member did not comply with the Department policy on property processing. The allegation is sustained.

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SUMMARY OF ALLEGATIONS #9-10: The officers failed to write an Incident Report.

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

FINDINGS OF FACT: The complainant stated he told the officers that a person had assaulted him with a knife but they did not document his report of a crime in a police report. The named member stated that they did not write an incident report about the event because the complainant declined to sign a citizen's arrest form and refused the officers' offer to generate a report about this incident. Three witnesses did not respond to the OCC's requests for an interview. The available evidence established that the officers' handling of this incident violated the Department Policy on crime reporting. The allegation is sustained.

SUMMARY OF ALLEGATION #11: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant said that the officer made a disparaging comment about the complainant's friend in the third person's presence. The named member denied the allegation. His partner supported this statement. Two possible witnesses to the alleged misconduct did not respond to the OCC's requests for an interview. The available evidence was insufficient to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers detained him, questioning him and demanding his identification without any apparent reason. The officers denied the allegation, stating that they detained the complainant due to a prior contact of suspicious narcotics activity, complainant's conversing with known drug dealers in a high narcotics crime area, and his nervous reactions and briskly walking away from the police presence. California case law and Department General Order 5.03/Investigative Detentions found the officers suspicion of the complainant's criminal activity based upon the facts to be unreasonable. As such, the allegation is sustained.

SUMMARY OF ALLEGATION #3-4: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated that the officers swore at him several times and used profanities when referring to other persons with whom the complainant associated. The officers denied the allegation. There was insufficient evidence and no witnesses to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers threatened to arrest him, take him into custody, and transport him to jail if he did not cooperate. The officers admitted to telling the complainant that he could be arrested for his possession of hypodermic needles and having two minor outstanding warrants for his arrest. The officer's actions would be deemed appropriate, however, it was not determined whether the factual basis for complainant's arrest was presented to him as a threat, rather than a fact, in language laced with profanity. There was insufficient evidence and no witnesses to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer had contacted him several times in the past and sought every opportunity to detain and harass him. The officer denied the allegation, stating that he had only one prior contact with the complainant. While there was no evidence of prior documented contacts between the officer and the complainant, it is not known whether such contact(s) went undocumented (like the one prior incident recalled by this officer) so as to determine whether a pattern of harassment exists.

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SUMMARY OF ALLEGATION #8: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officer asked the complainant if he could search him and simultaneously commenced a search into the complainant's pockets before the complainant objected. The officer recalled conducting a warrantless search of the complainant's backpack and found hypodermic needles, which provided probable cause for him to search the complainant's person. The officer's partner recalled the named officer first searching the complainant's pants pockets on the premise that the complainant had just answered that he had needles in his backpack. The Office of Citizen Complaints investigation determined that, whether the named officer searched the complainant's backpack without consent, probable cause, or exigency, as he indicated, or, if as his partner indicated, the named officer first searched the complainant's person, based on the complainant's stated possession of needles in his backpack without verification, the officer's search of the complainant's person was unlawful.

SUMMARY OF ALLEGATION #9: The officer searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched his backpack when providing the officer with no reason to do so. The named officer recalled asking initially for the complainant's consent to search his backpack but undertook the search without receiving the complainant's consent. The officer stated that he neglected to ask if the complainant possessed any needles in his backpack. His fellow officer recalled the named officer searching first through the complainant's pockets and then the backpack, upon the complainant stating that the backpack contained needles. The Office of Citizen Complaints investigation determined that the officer lacked consent, probable cause or exigency to lawfully search the complainant's backpack.

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

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

FINDINGS OF FACT: The officers stated that the complainant matched the description of a suspect reported to the police. The complainant denied that he was acting in the alleged manner reported by the reportee. There were no other witnesses. The reportee was not known. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 and 4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that while being detained at the station he was denied access to the restroom. The officers denied the allegation. The station keeper at the time denied denying any prisoner access to the restroom. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer used unnecessary force against the complainant while in custody.

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

FINDINGS OF FACT: The complainant said that the officer threw him onto the floor which is where his face made contact to the floor resulting in the laceration. The officer stated that in an attempt to prevent the complainant from urinating on the floor of the cell or on an officer he grabbed him and pushed him against the wall. The officer admitted that in so doing the complainant's face hit the wall resulting in a laceration to his lip. The officer defended his actions as reasonable to avert the actions of the complainant. The complainant admitted to urinating on the cell floor but only after having been denied access to the restroom. A witness officer stated that the officers actions were not excessive and were reasonable in an attempt to prevent the complainant from contaminating the cell or an officer by urinating on them. The station keeper denied seeing any officer use force against a prisoner. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6, 7 and 8: The officers failed to provide prompt medical attention to the complainant.

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

FINDINGS OF FACT: The evidence proves that the complainant sustained a laceration to his lip when an officer pushed him. The named members stated that paramedics were promptly notified and responded to administer aid. The complainant was transferred by paramedics to the hospital where he was treated. The paramedic's report documents the time of dispatch and arrival at the station. The station keeper denied any knowledge of any medical treatment being delayed. The complainant stated that he lay in and out of consciousness on the floor of the cell. The unknown officer was not positively identified. There were no other known witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-4: The officers detained an individual without justification.

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

FINDINGS OF FACT: The officers stated that they arrested an individual because they observed him conduct what their training and experience gave them reasonable suspicion to believe was the illegal sale of narcotics. The individual denied that he was engaged in narcotics sales or that he had taken the actions described by the officers in their police report and testimony. The complainant did not observe any part of the detention or events leading up to it. The co-complainant observed only part. There were no civilian witnesses who observed the entirety of the incident. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5-8: The officers arrested an individual without cause.

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

FINDINGS OF FACT: The complainants stated that an individual was falsely arrested for selling illegal narcotics. The individual denied that he had been engaged in the sale of illegal narcotics. The officers stated that they observed the individual approach a locked garbage area three times, twice in the company of other individuals who waited while he used a key to enter the area, and that they believed, based on their knowledge of the individual and the area and drug sales, that they were observing drug transactions. The officers further stated that they searched the garbage area and found a stash of illegal narcotics, and that they arrested the individual for the probable cause developed by their investigation. There were no civilian witnesses to the entire incident. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officers handcuffed an individual without justification.

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

FINDINGS OF FACT: The officers stated that the individual was handcuffed pending further investigation because he was suspected of selling illegal narcotics and had a history of violence. The individual handcuffed denied the alleged activity. There were no civilian witnesses to the entire incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officers searched an individual without justification.

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

FINDINGS OF FACT: The officers stated that they searched the individual because they had observed him taking part in what they believed to be an illegal narcotics transaction and because he was on active parole and had a search condition. The individual denied that he had performed the actions described by the officers as their justification for believing he had been selling narcotics. No civilian witnesses viewed the situation for the entire span of time the officers were watching. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11-13: The officers behaved inappropriately toward an individual.

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

FINDINGS OF FACT: The complainants stated that the officers planted illegal narcotics in a garbage area and falsely stated that the narcotics belonged to an individual whom they then arrested. The officers denied the allegation. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer behaved inappropriately toward the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that an officer whom he could not identify, but who had participated in the arrest of an individual earlier in the day, made a mock “shooting” gesture at him after he complained to a parole officer about the arrest. The officers known to be involved in the arrest denied the allegation and stated they had not seen the co-complainant that day. No civilian witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #15: The officer threatened the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that an officer whom he could not identify, but who had participated in the arrest of an individual earlier in the day, verbally threatened him after he complained to a parole officer about the arrest. The officers known to be involved in the arrest denied the allegation and stated they had not seen the co-complainant that day. No civilian witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainant without cause

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

FINDINGS OF FACT: The complainant stated that the officers arrested him on false accusations from a tenant in the complainant's residential hotel. The named officers stated that they arrested the complainant because a tenant in his residential hotel filed a report accusing the complainant of threatening him with a knife. The reportee who filed this police report was unavailable for OCC interview. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant stated that one of the arresting officers bent his wrist and kneed the complainant without any apparent reason. The named officer denied the allegation. Two other officers involved in the complainant's arrest stated that they did not witness any unnecessary force. The OCC obtained videotape from the hotel security camera that contained footage of the complainant's arrest. The videotaped showed that, while the complainant and the named member were alone in the hallway, the officer used pain compliance technique that was not necessitated by either the complainant's actions or by any immediate threat to the officer's safety. The allegation was sustained.

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

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

FINDINGS OF FACT: The complainant stated that the officer placed him in handcuffs without any apparent reason. The officer stated that a tenant from the complainant's residential hotel had filed a police report accusing the complainant of threatening him with a knife. Therefore, the officer, accompanied by two other officers took the complainant into police custody and placed him in handcuffs. Two other officers involved in the complainant's arrest corroborated this statement. The reportee who filed a police report against the complainant was unavailable for OCC questioning. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer applied excessively tight handcuffs against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed him "excessively tight." The named officer denied the allegation. Two other officers involved in the complainant's arrest stated that they did not hear any complaints regarding tight handcuffs at the scene. There were no other witnesses to this aspect of the incident. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-8: The officers threatened to harm the complainant.

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

FINDINGS OF FACT: The complainant stated that the officers threatened to take him to a back room and to beat him up. The officers denied making the allegation. The third officer involved in the incident stated that he did not hear any threats at the scene. There were no other witnesses to this aspect of the incident. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-10: The officers used profanity.

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

FINDINGS OF FACT: The officers denied the allegation. The third officer involved in this incident stated that no profanity was used in his presence. There were no other witnesses to this aspect of the incident. The available evidence was insufficient to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers stated that the complainant was detained for investigation after a confidential reliable informant told police that the complainant was about to engage in a narcotics transaction. Although such detentions are allowable under current California case law, the officers stated that the complainant was not engaged in a narcotics transaction prior to his detention. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #4-6: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officers stated that the complainant was handcuffed prior to being placed in the patrol car for transport to the station. Although the handcuffing was proper *per se*, the complainant was handcuffed during a questionable detention.

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SUMMARY OF ALLEGATIONS #7-9: The officers searched the complainant's property without cause.

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

FINDINGS OF FACT: The officers stated that the complainant's property was searched during a narcotics investigation, which was initiated by information conveyed by a confidential reliable informant. Although such detention-related searches are allowable under current California case law, the officers stated that the complainant was not engaged in a narcotics transaction prior to his detention. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #10-12: The officers failed to provide prompt medical attention to the complainant upon request.

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

FINDINGS OF FACT: The officers stated that the complainant did not request medical assistance. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATIONS #13-15: The officers conducted a strip search without cause.

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

FINDINGS OF FACT: The officers stated that the complainant was strip searched during a narcotics investigation, which was initiated by information conveyed by a confidential reliable informant. Although such detention-related searches are allowable under current California case law, the officers stated that the complainant was not engaged in a narcotics transaction prior to his detention. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #16-18: The officers conducted a prolonged detention without justification.

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

FINDINGS OF FACT: The officers stated that the complainant was detained for approximately one hour to conduct a narcotics investigation, which was initiated by information conveyed by a confidential reliable informant. Although such detentions are allowable under current California case law, the officers stated that the complainant was not engaged in a narcotics transaction prior to his detention. There was no additional evidence to further prove or disprove this allegation.

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OCC ADDED ALLEGATIONS

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to issue an accurate Certificate of Release.

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

FINDINGS OF FACT: The officer stated that the Certificate of Release was accurate. According to the Communications records, the complainant was transported to the district station at 1800 hours and the matter was handled at 1909 hours. The Certificate stated that the complainant was detained between 1810 hours and 1850 hours. The officer stated that the complainant arrived at the station at 1810 and was released forty minutes later, after he was strip-searched. There was 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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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/04 **DATE OF COMPLETION:** 01/29/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he asked the officer what had he done wrong. The officer did not answer his question and was rude. The witness stated the officer made a comment but it was made in a normal tone of voice. The officer denied being rude. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 2: The officer conducted a pat search of a passenger without justification.

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

FINDINGS OF FACT: The complainant stated he was the sole driver of the subject vehicle. The passenger, his employee, was assigned to make the deliveries of newspaper bundles on foot. The passenger corroborated the complainant's version. Another witness, an employee at a store, corroborated that the passenger of the subject vehicle delivered a bundle of newspapers to his business on foot during the period of time that the passenger was alleged to have been driving. The officer made an incorrect assumption when he accused the passenger of being the driver and of switching seats with the driver. Based on this assumption, the officer requested the passenger's identification. When he had none, the officer ordered the passenger out of the vehicle and conducted a pat search of him for officer safety reasons and to assure that the passenger had no weapons. The officer did not have reasonable suspicion to pat search the passenger because the complainant had already produced a valid California Driver's License. A preponderance of the evidence establishes that the officer's claim that the passenger had switched seats after he had been the driver is false. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/04 **DATE OF COMPLETION:** 01/29/05 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3: The officers cited the passenger without cause.

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

FINDINGS OF FACT: The complainant and a witness stated the officer unjustly cited the passenger of the vehicle for Vehicle Code violations, when he was not driving. A second witness, an employee at a nearby store, corroborated that the witness passenger delivered newspapers to his business on foot during the period of time that the passenger was alleged to have been driving. The officer denied the allegation. A preponderance of the evidence establishes that the officer cited the wrong party. The allegation is sustained .

SUMMARY OF ALLEGATION #4: The officer towed the complainant's van without cause.

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

FINDINGS OF FACT: The officer denied the allegation stating that he towed the complainant's van because he believed the passenger, who did not have a driver's license, was behind the wheel. The complainant stated that the officer's belief was erroneous, that he was the sole driver of the vehicle, and he had a valid driver's license. The passenger, a witness, corroborated the complainant's version of events. A preponderance of the evidence established that the sole driver of the van was the complainant. He had a valid license. The tow was improper. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/04 **DATE OF COMPLETION:** 01/29/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer misused his police authority by responding in a discriminating manner.

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

FINDINGS OF FACT: The complainant stated that the officer erroneously identified the passenger of the subject as the vehicle's driver. Based on this erroneous assumption, the officer cited the passenger and towed the complainant's vehicle. The complainant felt that the officer's actions were discriminatory, based on the complainant and witness's ethnicity. The witness corroborated this complaint, however, there is insufficient evidence to prove or disprove why the officer responded in this manner.

SUMMARY OF ALLEGATION #1: The officer questioned a passenger regarding his immigration status without justification.

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

FINDINGS OF FACT: During the course of the traffic stop the officer asked the passenger about his immigration status. The officer admitted that he asked for the passenger's immigration status because it was relevant to the retrieval of the towed vehicle. The officer's questioning of the immigration status of the passenger violated DGO 5.15. 1. B.4. The context in which he asked the question was not included in the STOP information sheet, and was irrelevant to the retrieval of the vehicle. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/04 **DATE OF COMPLETION:** 01/31/05 **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 officers denied the allegation. The complainant called 911 to report that she felt suicidal. She had contact with two San Francisco Police officers during her subsequent mental health detention. The officers came to her second floor apartment to transport her to San Francisco Psychiatric Emergency Services at San Francisco General Hospital. They brought her in handcuffs down the elevator, through the lobby, placed her in their patrol car and then drove her to the hospital. The complainant stated that a “tall, bald” officer intimidated her and threatened to “slam” her against the patrol car. The complainant cited descriptors of each of the officers when explaining the allegations of misconduct to the Office of Citizen Complaints. She was unable to identify the officer with sufficient specificity. There were no witnesses. The investigation failed to disclose sufficient evidence to identify the involved officer. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #2-3: The complainant’s handcuffs were too tight.

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

FINDINGS OF FACT: The officers denied the allegation, stating that the complainant’s handcuffs were double locked at the time they handcuffed her and that while she was extremely vocal about not being handcuffed, she did not resist during the handcuffing or complain of pain regarding the handcuffing itself. The complainant stated in her tape recorded interview to the Office of Citizen Complaints that her wrists were bruised. There were no witnesses. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/04 **DATE OF COMPLETION:** 01/31/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #1: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The officers both denied the allegation. The complainant described the officer engaging in the inappropriate conduct as a “tall, bald” officer. The complainant cited descriptors of each of the officers when explaining the allegation of misconduct to the Office of Citizen Complaints. She was unable to identify the officer with sufficient specificity. There were no witnesses. The investigation failed to disclose sufficient evidence to identify the involved officer. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF OCC ADDED ALLEGATION #1-2: The officers failed to submit their starting mileage.

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

FINDINGS OF FACT: The officers both denied the allegation. The Office of Citizen Complaints requested and received the audio tape recording of the incident prepared by the Department of Emergency Services. The recording confirms that the officers failed to record their starting mileage from their point of departure, they notified the Communications Dispatcher that they were on their way to San Francisco General Hospital Psychiatric Emergency Services. They also notified the Communications Dispatcher of their ending mileage upon arrival at the hospital. The Office of Citizen Complaints found insufficient evidence to prove or disprove that the officers intended to subvert the Department General Order at issue, Transport of Females.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/04 **DATE OF COMPLETION:** 01/10/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that he arrested the complainant for being drunk in public. The Office of Citizen Complaints attempted to contact the witnesses, to no avail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #2: The officer uttered racial slurs.

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

FINDINGS OF FACT: The officer denied the allegation. The Office of Citizen Complaints attempted to contact the witnesses, to no avail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/04 **DATE OF COMPLETION:** 01/10/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer uttered a sexual slur.

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

FINDINGS OF FACT: The officer denied the allegation. The Office of Citizen Complaints attempted to contact the witnesses, to no avail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #4: The officer applied tight handcuffs to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation, stating that he had double locked the complainant's handcuffs when he placed the complainant under arrest and placed her in a police vehicle for transport to a jail facility. While the act of double locking the complainant's handcuffs is considered a preventive measure against excessively tight handcuffs, it is not the sole preventive measure to tight handcuffs. The Office of Citizen Complaints attempted to contact the witnesses, to no avail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/04 **DATE OF COMPLETION:** 01/10/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer used unnecessary force during the arrest of the complainant and against her person at the station.

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

FINDINGS OF FACT: The officer denied utilizing unnecessary force at any time during his contact with the complainant. The Office of Citizen Complaints attempted to contact the witnesses, to no avail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #6: The officer misrepresented the truth, filing false charges against the complainant.

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

FINDINGS OF FACT: The officer denied the allegation, stating that the complainant was drunk in public. The complainant stated that she did not drink, noting that she was on medication. The Office of Citizen Complaints attempted to contact the witnesses, to no avail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/04 **DATE OF COMPLETION:** 01/27/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The identity of the alleged officer has not been established.

SUMMARY OF ALLEGATION #: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The identity of the alleged officer has not been established.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:09/13/04 **DATE OF COMPLETION:** 01/05/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers arrested a civilian without cause.

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

FINDINGS OF FACT: The officer denied the allegation stating that the citizen was arrested on numerous occasions based on documented complaints by civilians and based on the officer's own observations. The officer complied evidence to substantiate the arrests. The Office of Citizen Complaints investigation, which consisted of interviews with witnesses to the arrestees conduct, established that the arrestee committed the illegal acts of which he was arrested. The complainant did not deny that the civilian was engaged in the illegal acts for which he was arrested, but asserted that the arrests were made for reasons other than a legitimate law enforcement purpose. The investigation revealed that the arrests were proper.

SUMMARY OF ALLEGATION #2: The officers selectively enforce the law.

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

FINDINGS OF FACT: The complainant alleged that the arrests of the civilian were based on the different sexual orientations of the arrestee and the name member. The evidence established that the arrests were made because a crime was committed. After the commission of the crime, and court orders prohibiting the conduct were in place, the citizen continued to engage in the prohibited conduct. The investigation revealed that the officer's enforcement of the law was the legitimate exercise of a law enforcement purpose, and not based on any subjective standards.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:09/13/04 **DATE OF COMPLETION:** 01/05/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer referred to the arrestee in a public forum, using pejorative terms. The officer denied the allegation. There were no witnesses to the alleged conduct, and 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: 09/16/04 **DATE OF COMPLETION:** 01/05/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer stated that the complainant challenged him to fight. An officer at the scene stated that the complainant was yelling at the arresting officer and running towards him as if he wanted fight or attack the officer. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #2-4: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant alleged that officers repeatedly struck him with their fists and boots. The officers denied using any force or physical controls during the complainant's arrest. The transporting officer and the booking officer also stated that no force was used and that the complainant never complained of injury. According to County Jail medical records, the complainant had no evidence of any injuries. This allegation is unfounded.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/04 **DATE OF COMPLETION:** 01/05/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers' manner and comments were inappropriate and threatening.

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

FINDINGS OF FACT: The officer denied the complainant's allegation. A witness corroborated parts of the officers' version of the events. However, the witness was not present for the entirety of the incident. The investigation was unable to prove, or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers' failed to provide the complainant with their names and star numbers when asked.

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

FINDINGS OF FACT: The officers denied the allegation and stated the complainant was provided with the requested information. There were no witnesses to this incident. As such, the investigation was unable to prove, or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/03 **DATE OF COMPLETION:** 01/18/05 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1: The officer made a custodial arrest of the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officer made a custodial arrest of him without cause. The complainant and his witness stated that the complainant was not intoxicated. The complainant admitted that he was in possession of a vehicle and owned a vehicle, which had false registration on it. The officer and a witness officer stated that the complainant was intoxicated in public and in violation of PC 647F. The officer further stated that the complainant admitted to ownership of a vehicle that had false registration on it. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer would not listen to him, would not explain to him what was going on and accused him of being intoxicated. The officer stated that the complainant was intoxicated and stated that she did explain what was going on to the complainant. She stated that she did listen to the complainant who told her that he owned the vehicle. No other witness heard the majority of the conversation between the complainant and the officer. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant wanted the officer to prepare a report regarding the violation of a restraining order that the complainant said she had against her ex-boyfriend. The officer stated that the complainant did not have the restraining order and the officer could not find any evidence of a restraining order in the CABLE/CLETS system. The officer asked the complainant to return with the order; the complainant left but never returned. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer denied making inappropriate comments to the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer denied being discourteous to the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION :

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/04 **DATE OF COMPLETION:** 01/05/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer interfered with the complainant's rights as an onlooker.

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

FINDINGS OF FACT: The complainant acknowledged that he stood in front of a patrol car, within ten feet of a crime scene, trying to take photographs, while the arrest of a violent suspect was occurring. The complainant stated that he refused several requests by officers to move to the sidewalk. Department General Order allows persons to remain in the immediate vicinity of arrest, except when the persons' actions jeopardize the safety of the suspect or the officers. In this arrest, the subject was wielding a knife. The officers' actions were proper and justified.

SUMMARY OF ALLEGATION #2: The officer was discourteous.

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

FINDINGS OF FACT: The complainant stated that an officer moved him to the sidewalk by holding onto his backpack. The complainant could not identify this officer. None of the officers at the scene saw this event. There were no other available witnesses. There was insufficient evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/04 **DATE OF COMPLETION:** 01/05/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that one officer provided his name and badge number twice, but not a third time. He stated that a second officer provided his name and badge number but did not spell it for the complainant. The officers followed the requirements of the Department General Order that requires officers to provide their name and star number to those who ask.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/04 **DATE OF COMPLETION:** 01/05/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's demeanor with the complainant was rude, threatening and inappropriate.

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

FINDINGS OF FACT: The officer denied the complainant's allegation. There were no witnesses to the incident. As such, the investigation was unable to prove, or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/04 **DATE OF COMPLETION:** 01/09/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer stated that he detained the complainant after observing her fail to stop at a stop sign. The complainant stated that she believed that she stopped at the stop sign. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer stated that he cited the complainant after observing her fail to stop at a stop sign. The complainant stated that she believed that she stopped at the stop sign. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/04 **DATE OF COMPLETION:** 01/09/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer acted in an aggressive and threatening manner. The officer denied such behavior, and stated that he acted in a polite but firm manner. 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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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/04 **DATE OF COMPLETION:** 01/09/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The investigation established that the complainant was arrested on an outstanding warrant. 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 used unnecessary force.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was detained for no apparent reason. The officer and another officer stated that the complainant was detained after they observed him drop a brown paper bag to the ground, a violation of the M.P.C. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer and another officer stated that the complainant was arrested for narcotics. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer used excessive force at the scene.

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

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

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

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

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to properly process the complainant's property.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/04 **DATE OF COMPLETION:** 01/18/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was arrested several times by the same officer. The investigation established that the complainant was arrested on outstanding warrants. 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's repeated arrest constitutes a pattern of harassment.

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

FINDINGS OF FACT: The officer denied the allegation. No other witnesses came forward. Complainant states on his narrative that many times he was arrested for having an open container of alcohol. The actions of the officer appear to be proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that when the officer made initial contact with her at the traffic stop he berated her and spoke to her in an abusive tone. The officer denied the allegation and stated his tone and manner were professional and business like. The complainant also stated that the officer told her she could have talked him out of giving her the citation. The officer denied the allegation and stated that it is his practice to ask the violator if they know why they were being pulled over, but denied he told the complainant she could talk him out of giving her the citation. There were no witnesses to these events and as such the investigation was unable to prove, or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she was issued a citation without cause. The officer denied the allegation and stated there was cause for the traffic stop and the issuing of the citation. There were no witnesses to these events and as such the investigation was unable to prove, or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer addressed the complainant in an inappropriate fashion.

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer spoke to the complainant in an inappropriate and threatening fashion.

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

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

SUMMARY OF ALLEGATION #2: The officer issued a citation to the complainant when she was off duty and in her personal vehicle.

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

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

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to display her Department issued star or announce herself as a police officer.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/04 **DATE OF COMPLETION:** 01/18/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was handcuffed by the officer, who claimed to have seen the incident between her and a City employee. Department records established that the officer handcuffed the complainant incident to a private person's arrest from a City employee accusing the complainant of battery upon her, a municipal transit officer. The preponderance of the evidence established that under department general order 5.04 and Penal Code section 847, the officer was obligated to receive the private person's arrest and handcuff the complainant.

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested her despite her denial of committing battery upon the municipal transit officer, who caused her detention by another officer. Department records established that the officer arrested the complainant incident pursuant to a private person's arrest from a municipal transit officer accusing the complainant of battery upon her. The preponderance of the evidence established that under department general order 5.04 and Penal Code section 847, the officer was obligated to receive the private person's arrest.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/22/04 **DATE OF COMPLETION:** 01/18/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The department failed to provide the complainant a copy of the incident report.

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

FINDINGS OF FACT: The complainant showed the Office of Citizen Complaints a copy of her request for a copy of the incident report dated 08/13/04 to allege that the department failed to provide a copy thereof. The complainant also stated that she had moved, that she could not recall when, and that she had not notified the department in writing of such change. Department records established that the department mailed a copy of the report to the address that the complaint provided on the application form. The department actions were lawful and proper under the circumstances.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/22/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 **of** 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/27/04 **DATE OF COMPLETION:** 01/18/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officers used unnecessary force. Neither the arrest nor the complainant could be located through a search of department records. The complainant provided an incomplete or incorrect address. 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: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #1 of 11**

SUMMARY OF ALLEGATION #1: The officer threatened the complainant on November 22, 2003.

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

FINDINGS OF FACT: The named officer denied the allegation. A witness at the scene during part of the incident stated that he heard no threat, and that the officer acted professionally; however, he acknowledged not being at the scene for the entire contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer arrested the complainant on November 22, 2003 without cause.

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

FINDINGS OF FACT: The named officer denied the allegation. Department records indicate that a citizen signed a form ordering the arrest of the complainant. A witness confirmed signing a citizen's arrest form and giving it to the officer. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #2 of 11**

SUMMARY OF ALLEGATION #3: The officer used unnecessary force on an unidentified man on the ground November 24, 2003.

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

FINDINGS OF FACT: The officer named by complainant did not recall using any force. There were no witnesses. A citation issued to the complainant indicated no other arrest or incident. A second citation issued that day to the complainant was issued at a location other than that specified by the complainant as the location where the alleged use of force occurred. There is insufficient evidence to either identify the officer involved or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer issued a citation on November 24, 2003 without cause.

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

FINDINGS OF FACT: The named officer said he did not recall if he cited the complainant on this date. Department records indicated that the officer issued a littering citation to the complainant in a location other than that specified by the complainant. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #3 of 11**

SUMMARY OF ALLEGATION #5: The officer issued a citation without cause on January 13, 2004.

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

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

SUMMARY OF ALLEGATION #6: The officer threatened the complainant on January 13, 2004.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINTS: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #4 of 11**

SUMMARY OF ALLEGATION #7: The officer issued a citation on January 22, 2004 without cause.

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

FINDINGS OF FACT: The named officer denied the allegation. A witness officer stated that she saw the violation and denied the citation was without cause. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer issued a citation on February 5, 2004 without cause.

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

FINDINGS OF FACT: The named officer acknowledged that he verbally directed officers to enforce violations of the law they observed by the complainant and said he was responsible for the issuance of the citation. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINTS: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #5 of 11**

SUMMARY OF ALLEGATION #9: The officer arrested the complainant on February 10, 2004 without cause.

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

FINDINGS OF FACT: The named officer acknowledged directed subordinate officers to enforce public nuisance law violations by the complainant, and stated he was responsible for the arrest. A witness officer stated that she saw the violation and denied the citation was without cause. Department records indicate that a citizen requested the arrest of the complainant. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #10: The officer failed to properly process property on February 10, 2004.

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

FINDINGS OF FACT: The complainant stated that when he requested tree branches that had been seized be returned to him, the named officer could not find the property. The named officer stated that he did not return the property but stated that the property was no longer in his control when the complainant asked him for it. Department records indicated that the officer properly processed the property the complainant identified. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINTS: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #6 of 11**

SUMMARY OF ALLEGATION #11: The officer arrested the complainant on February 12, 2004 without cause.

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

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

SUMMARY OF ALLEGATION #12: The officer arrested the complainant on March 3, 2004 without cause.

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

FINDINGS OF FACT: The named officer acknowledged that he verbally directed officers to enforce violations of the law they observed by the complainant and said he was responsible for the issuance of the citation. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINTS: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #7 of 11**

SUMMARY OF ALLEGATION #13: The officer arrested the complainant on March 7, 2004 without cause.

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

FINDINGS OF FACT: **FINDINGS OF FACT:** The named officer acknowledged that he verbally directed officers to enforce violations of the law they observed by the complainant and said he was responsible for the issuance of the citation. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer failed to secure the property of the complainant on March 7, 2004.

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

FINDINGS OF FACT: The officer denied the allegation. The officer explained further that on each occasion that he did not take the complainant's bicycle with him during an arrest; the complainant chose to leave his property with a friend. The Office of Citizen Complaints was not unable to reach a witness identified by the complainant. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINTS: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #8 of 11**

SUMMARY OF ALLEGATION #15: The officer issued a citation on March 19, 2004 without cause.

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

FINDINGS OF FACT: The named officer acknowledged that he verbally directed officers to enforce violations of the law they observed by the complainant and said he was responsible for the issuance of the citation. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer engaged in inappropriate behavior on March 19, 2004.

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

FINDINGS OF FACT: The officer denied soliciting passersby to sign citizen arrest forms. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINTS: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #9 of 11**

SUMMARY OF ALLEGATION #17: The officer issued a citation on March 20, 2004 without cause.

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

FINDINGS OF FACT: The named officer acknowledge that he verbally directed officers to enforce violations of the law they observed by the complainant and said he was responsible for the issuance of the citation. There were no witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #18: The officer harassed the complainant, including on March 20, 2004.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #10 of 11**

SUMMARY OF ALLEGATION #19: The officer arrested the complainant August 15, 2004 without cause.

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

FINDINGS OF FACT: The named officer acknowledged that he directed officers to enforce violations of the law they observed by the complainant and said he was responsible for the arrest. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #20: The officer harassed the complainant on September 6, 2004.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/03 **DATE OF COMPLETION:** 01/31/05 **PAGE #11 of 11**

SUMMARY OF ALLEGATION #21: The officer was rude to the complainant on September 6, 2004.

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

FINDINGS OF FACT: The officer denied telling the complainant to shut up. There were no witnesses. 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: 12/30/04 **DATE OF COMPLETION:** 01/11/05 **PAGE#** 1 **of** 1

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

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

FINDINGS OF FACT: The complainant requested that the complaint be withdrawn.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant raises matters not rationally within OCC's jurisdiction..

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/19/05 **DATE OF COMPLETION:** 01/29/05 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complaint raises matters outside OCC's jurisdiction and is referred to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/19/05 **DATE OF COMPLETION:** 01/29/05 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/05 **DATE OF COMPLETION:** 01/27/05 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/25/05 **DATE OF COMPLETION:** 01/31/05 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/10/04 **DATE OF COMPLETION:** 01/31/05 **PAGE# 1 of 8**

SUMMARY OF ALLEGATION #1-3: The officers detained complainant on January 16, 2004 without justification.

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

FINDINGS OF FACT: The officers denied that they detained complainant and stated she was always free to leave during their contact with her. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-7: The officers entered complainant's residence on three occasions without cause.

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

FINDINGS OF FACT: The named officers stated they were in the complainant's residence only one time and said they were there to conduct a parole/probation search of the other occupant's possessions. The identities of any other officers who might have entered were not discovered. A witness to one of the entries was not forthcoming. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/10/04 **DATE OF COMPLETION:** 01/31/05 **PAGE# 2 of 8**

SUMMARY OF ALLEGATION #8-10: The officers searched the complainant's residence on January 16, 2004 without cause.

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

FINDINGS OF FACT: The officers denied that they searched the complainant's possessions when they conducted a probation/parole search of the possessions belonging to an individual with whom she shared the residence. There were no civilian witnesses and no way to establish the extent of the search, which complainant alleged to have included her own space and possessions. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer placed the complainant in handcuffs on January 16, 2004 without justification.

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

FINDINGS OF FACT: The named officer, and his partners, denied that he placed the complainant in handcuffs. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #12: The officer used unnecessary force on complainant on January 16, 2004.

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

FINDINGS OF FACT: The named officer and his partners denied that he had pushed the complainant, pulled the complainant, or used any force on her during their contact. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer made sexually derogatory comments in the complainant's presence on January 16, 2004.

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

FINDINGS OF FACT: The named officer, and his partners, denied that he had made the alleged comments. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/10/04 **DATE OF COMPLETION:** 01/31/05 **PAGE# 4 of 8**

SUMMARY OF ALLEGATION #14: The officers spoke discourteously to the complainant on January 16, 2004.

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

FINDINGS OF FACT: The officers present during the contact with the complainant denied that any of them were discourteous to the complainant. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer searched the complainant without justification on January 16, 2004

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

FINDINGS OF FACT: The named officer, and her partners, denied that she had searched the complainant. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/10/04 **DATE OF COMPLETION:** 01/31/05 **PAGE# 5 of 8**

SUMMARY OF ALLEGATION #16-19: The officers behaved inappropriately on January 16, 2004 and April 9, 2004.

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

FINDINGS OF FACT: The officers present during the contact with the complainant on January 16, 2004 denied the inappropriate behavior alleged by the complainant. The identity of the officer on April 9, 2004 who allegedly behaved inappropriately was not established. There were no civilian witnesses on January 16, 2004. A witness to the behavior on April 9, 2004 was not located. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #20: The officer threatened the complainant on April 9, 2004.

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

FINDINGS OF FACT: The complainant stated that an officer threatened to arrest her on April 9, 2004. The identity of any officer having contact with the complainant on that date was not established. A witness could not be located. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/10/04 **DATE OF COMPLETION:** 01/31/05 **PAGE#** 6 of 8

SUMMARY OF ALLEGATION #21: The officers inappropriately seized complainant's property.

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

FINDINGS OF FACT: The complainant alleged that she was told officers had asked to see her mail and that she believed they had removed the contents of envelopes addressed to her. The identities of any officers who might have done this were not established. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #22-24: The officers detained the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated that he was falsely detained by the officers. The officers stated that they initially stopped the complainant because they thought he was a fugitive they were seeking, that he told them he was on probation and parole, and that they detained him because he was behaving suspiciously with his hands while they checked his identity and because they were able to see that he had knives on his person. The encounter became a detention when their query came back with the information that the co-complainant had an outstanding warrant. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/10/04 **DATE OF COMPLETION:** 01/31/05 **PAGE# 7 of 8**

SUMMARY OF ALLEGATION #25-27: The officers arrested the co-complainant without cause.

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

FINDINGS OF FACT: The officers stated that the complainant had in his possession a controlled substance. The complainant agreed. The officers stated that their check of the complainant's identity showed that he was on parole and probation at the time. The complainant agreed. Under the circumstances, there was cause to arrest the co-complainant, and the officers' actions were proper.

SUMMARY OF ALLEGATION #28-29: The officers searched the co-complainant without cause.

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

FINDINGS OF FACT: One officer stated that they knew the co-complainant had a search condition when they pat searched him, that they could see that he had two concealed weapons, when they pat searched him, and that he was making nervous gestures and putting his hands in his pockets which made them fear for their safety. The other officers could not recall clearly the order of events. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #30-31: The officers improperly searched the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that the search performed on the street by the officers exceeded the guidelines for a search that can be done in public. The officers denied that the search took place as described by the complainant. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #32: The officer wrote an incomplete/inaccurate Incident Report.

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

FINDINGS OF FACT: The complainant stated that the Incident Report documenting the arrest of an individual who shared her room, failed to mention that the arresting officers came to her room, interviewed the complainant, entered and searched the room. The officer who wrote the report, while denying that the officers searched the room and stating that officers only searched the arrestee's possessions, stated that this portion of the event was not included in the report because nothing they learned affected the arrest. She stated that only relevant information went into a report. The training given SFPD members on this point directs officers to include in their reports all steps taken in their investigation of an incident and to keep in mind the needs of various users of a report, including prosecutors, who ought not to have to question officers but should be able to get all the facts from the written report. It is reasonable that a prosecutor of the case in question would want to know whether or not the arrestee's residence had been searched for additional evidence and whether or not any persons had been interviewed regarding the charge. The allegation of neglect of duty for failing to include this portion of the incident in the written report is therefore sustained.

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

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

FINDINGS OF FACT: The named officers denied the allegation, stating that they performed the high-risk felony stop because they had been told by dispatchers that the complainant's car was reported to have left a crime scene and the reportee had seen a gun in the car. Department records indicated that the complainant's car matched the physical description and bore the license plate number given by the reporting party and broadcast by a dispatcher. One witness failed to respond to Office of Citizen Complaints requests for an interview. There were no other witnesses. The evidence proved that the actions that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers towed a vehicle without cause.

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

FINDINGS OF FACT: One named officer denied the allegations, stating that it is SFPD policy to tow cars when the driver does not have a legitimate California Driver's License. The complainant acknowledged that he had never been issued a driver's license. The other named officer stated that the car was towed pursuant to the arrest of the driver for an outstanding warrant, which the complainant acknowledged existed. The complainant and a witness on the scene did not respond to Office of Citizen Complaints requests for more information. There were no other witnesses. The evidence proved that the actions that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #5-6: The officers intentionally damaged a vehicle.

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

FINDINGS OF FACT: One named officer stated that both he and the other named officer searched the vehicle but did not intentionally damage it, and that he saw no damage to the vehicle as described by the complainant. The second named officer stated that he visually searched the vehicle, that he saw no damage and that neither he nor the other named officer intentionally damaged the vehicle. One witness failed to respond to OCC requests for an interview. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove, or disprove, the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers falsely charged the complainant.

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

FINDINGS OF FACT: The named officers stated that the complainant was charged with possession of marijuana because the marijuana was in plain sight, on the center console of the vehicle, immediately next to the complainant, who was driving the car and was thus in control of its contents. Both officers said the complainant and a witness did not admit or comment about the ownership of the marijuana. The complainant and a witness did not respond to OCC efforts to interview them on the matter. The matter of possession is one to be determined in the court. The officer's conduct of charging was proper. There were no other witnesses.

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SUMMARY OF ALLEGATIONS #9-10: The officers searched the complainant's personal property without cause.

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

FINDINGS OF FACT: One named officer stated that both he and the other named officer searched the vehicle that the complainant was driving after searching the driver and his passenger and finding no gun. He stated further that the search of the car was completed in performing the inventory required when a car is towed because the driver is unlicensed. The other named officer stated that the car was searched because of the reported gun in the car, and the fact that the driver was being arrested on a warrant. The complainant acknowledged the existence of an outstanding warrant and acknowledged that he was not a licensed driver. Department records confirmed the report that one of the occupants of the car the complainant was driving was reported to have been carrying a gun, and that the report was broadcast by a dispatcher. One witness at the scene did not respond to the Office of Citizen Complaint's requests for an interview. There were no other witnesses. The evidence proved that the actions that provided the basis for the allegations occurred, and that those actions were proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #: This allegation was referred for further investigation.

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

FINDINGS OF FACT: This allegation was referred for further investigation to:

SF Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Third Floor
San Francisco, CA 94102

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

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

FINDINGS OF FACT: The complainant stated that he and his wife were involved in an argument, which left a scratch on her cheek. He also complained that his medical condition could have been exacerbated by being in police custody. The named members stated that they had probable cause to believe the complainant had committed felony domestic violence by grabbing his spouse and trying to strangle her. The officers also stated that the complainant's spouse had injuries consistent with her account of the events and the spouse's statement was corroborated by the complainant's 15-year old daughter who was present during the incident. The related police report contained written statements from the complainant's spouse and his daughter that were consistent with the officers' explanations. The Department requires officers to treat all acts of Domestic Violence as criminal conduct and make an arrest when elements of a crime exist. The Department ADA guidelines do not contain any specific provisions regarding placement into police custody of individuals with medical conditions similar to the complainant's. Given the circumstances of this incident, the officers acted within the guidelines of the Department policy.

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

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

FINDINGS OF FACT: The named members denied making the alleged comments. There were no identifiable witnesses to this aspect of the incident. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to ensure the complainant's safety during the arrest and transport.

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

FINDINGS OF FACT: The complainant initially stated that he sustained a leg injury during the transport from the residence to the hospital but could not provide any other information in support of this claim and later could not recall whether he, in fact, sustained the said injury. The officers involved in this incident stated they were unaware of the complainant's alleged injury and did not observe any. The complainant's medical records did not support his claim of a leg injury. The available evidence established that, more likely than not, the alleged misconduct did not take place.

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SUMMARY OF ALLEGATION #8: The officer exhibited retaliatory behavior.

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

FINDINGS OF FACT: The complainant stated that the officer charged him with three felony crimes in retaliation for the complainant's expressed intention to file a complaint against him. The named member denied the allegation. In subsequent court proceedings, the DA charged the complainant with three crimes in connection with this incident although the gravity of the charges was reduced from felonies to misdemeanors. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that the officer took his prescription medications, refusing to inventory them at the time of the complainant's admission to the hospital. When the complainant was released from the hospital several days later, he discovered that some of his prescription medications were missing. The complainant could not provide additional identifying information regarding the officer responsible for the alleged misconduct. All members questioned in connection with this incident denied having any contact with the complainant's medications. The available evidence was insufficient to identify the officer responsible for this misconduct or to prove or disprove the allegation.