

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/04 **DATE OF COMPLETION:** 02/22/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer slapped his friend after the friend spit at the officer. The friend did not respond to the Office of Citizen Complaints contact attempts. A witness stated that the complainant's friend was intoxicated and throwing food inside SBC Park. She further stated that, when the man was arrested, he spit into the officer's face. She stated that the officer "smacked" his open hand against the man's face to turn his head away. The officer's partner stated that the suspect spit into the officer's face twice, so he pushed the suspect's face away with the palm of his hand. The officer stated that, as the suspect was attempting to spit at him a third time, he again used the palm of his hand to push his chin away. A San Francisco Police Department trainer stated that officers are trained to use an open hand to push a suspect's face away when the suspect spits at the officer. There is insufficient evidence to establish the level of force the officer used to deter the suspect from spitting on him.

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

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

FINDINGS OF FACT: The officer denied making an inappropriate and threatening comment. Two officers at the scene stated that they did not hear the officer make such a comment. There were no other available witnesses to further confirm or deny this allegation.

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

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 failed to properly investigate.

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

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

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

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

FINDINGS OF FACT: Department records show that the named member did not issue the citation to the complainant.

SUMMARY OF ALLEGATIONS #2: The officer failed to take a private person's arrest.

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

FINDINGS OF FACT: Department records show that the private person's arrest (Citizen Arrest) was in fact received and documented.

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SUMMARY OF ALLEGATIONS #3: The issuance of the complainants citation was based on Racial Discrimination

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

FINDINGS OF FACT: Department record show that the citation issued to the complainant were as a result of a private persons arrest (Citizen Arrest).

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1, #2: The officers failed to properly investigate an accident.

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

FINDINGS OF FACT: The complainant alleged that the officers had not properly investigated an accident because they failed to obtain a statement from him. The named officers denied the allegations, stating that they traveled to the hospital to interview the complainant and waited while he was treated. The officers stated that while they were waiting, they were ordered to respond to a second, fatal collision. The officers stated that they made efforts to contact the complainant by telephone and that he did not respond. Department records confirmed the officers went to the hospital where the complainant was treated, and that they were ordered by the on-duty captain to respond to another accident scene while they were at the hospital. One witness officer stated that the accident investigation was properly conducted, and that he found no unusual aspects in its completion.

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate traffic collision report.

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

FINDINGS OF FACT: The complainant stated that an accident report included inaccurate statements from parties interviewed in the investigation and reached an improper conclusion. The named officer stated that he accurately records the statements of parties interviewed and that the evidence before him, as well as his experience and the evidence at the scene led him to his conclusions about the accident. Two witnesses confirmed both the accuracy of their testimony and the conclusions of the report.

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SUMMARY OF ALLEGATIONS #4: The officer approved an inaccurate traffic collision report.

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

FINDINGS OF FACT: The named officer and two witness officers denied the allegation, stating that the report was an accurate reflection of the facts gathered during an investigation. Two witnesses to the accident confirmed their testimony was accurately reflected in the report, and confirmed its conclusions.

SUMMARY OF ALLEGATION #5: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that a citation he received was improper because he was not speeding, and because there were stop signs in the area of the accident that would prevent reaching speeds in excess of the legal limit. The named officer denied the allegation, stating that the citation was issued for exceeding a speed justified by current conditions, specifically that there was another vehicle in the roadway in front of the complainant. Two witnesses stated that the driver was traveling at a speed excessive for the conditions at the time. Further, the intersection preceding the crash site has no stop sign.

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SUMMARY OF ALLEGATION #6: The officer harassed the complainant due to bias by concluding that he was at fault in an accident.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer and a witness officer stated they never had verbal or physical contact with the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION# 1: The officer utilized unnecessary force against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer injured his face during a foot pursuit. The officer denied that the complainant was injured and denied that the complainant complained of pain at the scene. The Office of Citizen Complaints attempted to contact the witness without success. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate remarks to him at the station. There were no witnesses and insufficient evidence to prove to disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he had a valid temporary driver's license and the officers had no reason to tow his car. The named members stated that, according to the Department regulations, it was a mandatory tow because the complainant produced only an expired Driver License and the Department Motor Vehicle computer records showed that he had not been issued an updated license. The Office of Citizen Complaints discovered that due to an error on the part of Department Motor Vehicle personnel, the Department Motor Vehicle records did not reflect issuance of a valid temporary Drive License to the complainant. In his Office of Citizen Complaints statement, the complainant acknowledged that he gave the officers only his expired Driver License and he was not sure where his valid Driver License was at the time. According to state law, a temporary license is valid only if kept in possession while driving. Given the circumstances of this incident, the officers' decision to tow the complainant's vehicle was within the Department Policy.

SUMMARY OF ALLEGATION #3: The officer cited the complainant for violation of CVC Section 22450 (running a stop sign).

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

FINDINGS OF FACT: The officer stated that he cited the complainant for violation of Section 22450 CVC because he saw the complainant run a stop sign. In his statement to the Office of Citizen Complaints, the complainant admitted that he, in fact, "might have run" the stop sign before this traffic stop. Under these circumstances, the officer's decision to cite the complainant for violation of CVC Section 22450 was justified.

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SUMMARY OF ALLEGATION #4: The officer cited the complainant for violation of Section 12500(a) CVC (expired license).

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

FINDINGS OF FACT: The complainant stated that he had a valid temporary driver's license at the time of this incident. The named member stated that he cited the complainant for violation of Section 12500(a) CVC because the complainant produced only an expired Driver License and the Department Motor Vehicle computer records showed that he had not been issued any updated license. In his Office of Citizen Complaints interview, the complainant acknowledged that, at the time of this traffic stop, he gave the officer only his expired Driver License, but not the valid one. The complainant stated that he was not sure where his valid temporary license was at the time. According to state law, a temporary license is valid if it is kept in possession while driving. Given the circumstances of this incident, the officer had probable cause to cite the complainant for violation of Section 12500(a) CVC.

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

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

FINDINGS OF FACT: The complainant stated that the citing officer handcuffed him without any apparent reason. The complainant acknowledged that he did not have a very clear recall as to the identity of the handcuffing officer. The citing officer stated that he placed the complainant under arrest and his partner handcuffed the complainant briefly until the officer completed the citation. The officer's partner corroborated this statement. According to both officers, the complainant was handcuffed for his and theirs safety because while writing a citation, conducting an inventory of his vehicle and filling out paperwork for the tow, they would not have been able to effectively control the complainant, had they not handcuffed and placed him in the patrol car. Although justifiable under the circumstances, the handcuffing of the complainant more likely than not was not performed by the named member according to the available evidence.

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

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

FINDINGS OF FACT: The complainant stated that the citing officer handcuffed him too tightly. The complainant acknowledged that he did not have a very clear recall as to the identity of the handcuffing officer. The citing officer stated that it was his partner who handcuffed the complainant with “properly adjusted” handcuffs. The officer’s partner corroborated this statement. The available evidence showed that, more likely than not, the citing officer did not actually place the complainant in handcuffs.

SUMMARY OF ALLEGATION #7: The officer failed to loosen the handcuffs upon request.

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

FINDINGS OF FACT: The officer did not recall him being asked to loosen the handcuffs. The officer’s partner did not recall any such complaints or requests from the complainant. There were no other witnesses to this incident. The evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that, in a tow hearing he showed the hearing officer his temporary driver's license that was valid at the time of the tow but the officer refused to waive towing and storage fees. The named member did not recall whether the complainant showed her any valid temporary license during tow hearing. The officer further stated she could not waive tow and storage fees for the tow of the complainant's car because the Department Motor Vehicle computer records showed that he had not been issued any license. San Francisco Administrative Code Section 10C regarding reimbursement for towing and storage of vehicles in contested tows does not contain any provisions under which the hearing officer could have granted the complainant's request for waiver of fees.

SUMMARY OF OCC ADDED ALLEGATIONS #9-10: The officers failed to properly report the use of force.

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

FINDINGS OF FACT: The complainant stated that his wrist was injured because of the tight handcuffs and he had to seek medical attention regarding this injury. There was no entry in the station Use of Force Log regarding this incident. The named members stated that they did not make any entry in the Use of Force Log because no force was used during the incident. According to San Francisco Police Department DGO 5.01, use of handcuffs or other restraints is not a reportable event unless the person is injured or claims to be injured. There were no other identifiable witnesses to this incident. The available evidence appears insufficient to prove or disprove the allegation.

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

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

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

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

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

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

REVISED 04/20/00

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SUMMARY OF ALLEGATION #3: The officer's enforcement was racially motivated.

CATEGORY OF CONDUCT: CRD **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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SUMMARY OF ALLEGATIONS #1, 2: The officers cited the complainant without cause.

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

FINDINGS OF FACT: The named officers denied the allegations, stating that they cited the complainant on the basis of a crime victim's account of the crime as well as the request for a citizen's arrest. One witness stated that he did not see the entire crime. The citation and subsequent release of the complainant was proper.

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

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

FINDINGS OF FACT: The complainant alleged that he was wrongly released and then re-arrested. The named officer and two witness officers denied the allegation, stating that the complainant was released after being cited and that he was re-arrested only after a full search of his record revealed a previous conviction for a similar crime. The named officer ordered the arrest according to Department policy when the criminal record was obtained. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #1: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated that the officer ordered him to release a customer's vehicle without getting paid. The officer stated that he was asked to intervene in a dispute, and that he advised the complainant that he should honor the terms of a written contract with the customer. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer's actions and manners were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer yelled at him, refused to listen to him, ordered him to release the vehicle, and forcefully moved him outside to the police vehicle. The officer stated that the complainant was loud, hostile, and threatening, so he moved the complainant to the parked police vehicle for privacy and safety. The witnesses stated the complainant was loud and uncooperative. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force. The complainant stated he sustained visible injuries. The officer stated he placed the complainant in a control hold in order to move him to a safe place to continue the investigation, and that the complainant was hostile and resistive. The witnesses stated the complainant was hostile and uncooperative. There was insufficient evidence to establish the level of force necessary to control the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The investigation revealed that the complainant's property was properly processed. However, at a later date the property was moved to the Superior Court, at the request of the District Attorney's Office. The named officer was asked to retrieve the property in question from the evidence room and transfer it to the care and custody of the Clerk of the Court. The monies in question remain in the custody of the Clerk of the Court. The officers actions were procedural and within Departmental guidelines.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used racially derogatory language.

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

FINDINGS OF FACT: The officer denied the allegation. The Office of Citizen Complaints attempted several times to speak with the witness, 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 issued a citation due to racial bias.

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

FINDINGS OF FACT: The officer denied the allegation. The alleged incident took place during a traffic stop. The officer stated that he did not know the complainant's race or gender until after he effectuated the stop and approached the complainant's vehicle during the traffic investigation. The Office of Citizen Complaints attempted several times to speak with the witness passenger who occupied the vehicle during the traffic stop, to no avail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that the complainant's vehicle registration had been expired in excess of six months. He issued the complainant a citation for violation of Section 4000 of the California Vehicle Code, Expired Registration, a copy of which the Office of Citizen Complaints reviewed. The complainant admitted in his OCC interview that he knew his registration was expired. The complainant also stated that he had been previously cited by another authority for the same violation the day before the incident complained of. During its investigation, the Office of Citizen Complaints asked the named officer whether or not he had any discretion as whether he could choose to not cite the complainant. The officer stated that based on the San Francisco Traffic Offender Program (STOP) policy already in place, he did not have any discretion in whether or not to cite the driver. The Vehicle Code Section, the STOP policy and concomitant Department General Order was reviewed by the Office of Citizen Complaints. The citation was proper.

SUMMARY OF ALLEGATIONS #4-5: The officers ordered the complainant's vehicle towed without justification.

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

FINDINGS OF FACT: The officers denied the allegation, stating that based on STOP policy, they were required to tow the complainant's vehicle. During its investigation, the Office of Citizen Complaints asked the named officers whether or not they had any discretion regarding the tow. The officers stated that based on the STOP policy in place, they had no discretion. The Vehicle Code Section, STOP policy and the concomitant Department General Order were reviewed by the Office of Citizen Complaints. The tow is authorized by existing law and policy. The tow was proper.

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SUMMARY OF ALLEGATION #6: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating that the complainant was never handcuffed. The Office of Citizen Complaints attempted several times to speak with the witness passenger who occupied the vehicle during the traffic stop, to no avail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #7: The officer failed to take required action in that he failed to answer reasonable questions regarding the complainant's citation.

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

FINDINGS OF FACT: The officer denied the allegation, stating that the complainant initially refused to sign a proffered traffic citation. The officer stated that he explained to the complainant that his signature did not constitute an admission of guilt, but rather a promise to appear at the appointed time, noted on the citation. The officer noted that the complainant wrote a refusal on the signature line of the citation. The officer also stated to the Office of Citizen Complaints that he informed the complainant that he would have to summon his sergeant-supervisor to the scene if the complainant continued to refuse to sign. The Office of Citizen Complaints reviewed the Department of Emergency Communications audio tape. There was no evidence that the officer's supervisor actually responded to the scene. The Office of Citizen Complaints attempted several times to speak with the witness passenger who occupied the vehicle during the traffic stop, to no avail. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #8: The officer failed to provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant alleged that at the time of his detention, an unidentified officer on foot approached the named officers and offered to assist them. The complainant stated that he requested that the officer provide his name and star number. The officer responded by covering his name tag, affixed to upper torso area of his uniform. The Office of Citizen Complaints attempted several times to speak with the witness passenger who occupied the vehicle during the traffic stop, to no avail. The investigation failed to disclose sufficient evidence to identify the involved officer or prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #:

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

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SUMMARY OF ALLEGATION #1: The officer made inappropriate and rude statements.

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

FINDINGS OF FACT: The complainants stated that the named officer made statements that jeopardized their sons' safety. The officer denied the allegation. There is insufficient evidence or witness statement(s) to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers harassed the complainant's family.

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

FINDINGS OF FACT: The co-complainant stated that the named officers questioned, searched, and generally harassed her family members without provocation or justification. The officers denied the allegation. There is insufficient evidence or witness statement(s) to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4-5: The officers detained a person without justification.

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

FINDINGS OF FACT: The co-complainant stated that the named officers detained a family member without justification. The officers denied the allegation. There is insufficient evidence or witness statement(s) to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6-7: The officers searched a person without justification or cause.

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

FINDINGS OF FACT: The co-complainant stated that the named officer searched a family member without justification. The officers denied the allegation. There is insufficient evidence or availability of a witness statement(s) to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer conducted himself in a rude manner.

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

FINDINGS OF FACT: The officer denied the allegation. The officer's partner had no recollection of the incident. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer practiced selective enforcement in stopping the complainant's vehicle.

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

FINDINGS OF FACT: The officer denied the allegation. The officer's partner had no recollection of the incident. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant admitted to moving in and out of lanes without signaling, there is insufficient evidence to establish, that the issuance of the citation was justified.

SUMMARY OF ALLEGATION #4: The officer questioned the complainant and his passenger's without justification.

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

FINDINGS OF FACT: The officer denied asking some of the alleged questions and had no recollection of asking the passengers some of the alleged questions. The officer's partner had no recollection of the incident. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer queried the complainant's passenger's information without justification.

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

FINDINGS OF FACT: The officer stated that he queried the passenger's identification because they were in violation of the traffic code requiring all passengers wear a seatbelt. The officer's partner had no recollection of the incident. The passengers did not respond to the OCC's request for an interview to confirm whether or not they were wearing seatbelts. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer detained the complainant's passengers without justification.

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

FINDINGS OF FACT: The officer stated that he detained and queried the passenger's identification because they were in violation of the traffic code requiring all passengers wear a seatbelt. The officer's partner had no recollection of the incident. The passengers did not respond to the OCC's request for an interview to confirm whether or not they were wearing seatbelts. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/01/04 **DATE OF COMPLETION:** 02/07/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested him without cause. The officer stated that the complainant was intoxicated and unable to care for himself. The officer stated that the complainant was arrested for violation of PC 647F. No witnesses came forward or were identified by either the complainant or the officer. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary and excessive force when placing the complainant under arrest. The officer denied the allegation and stated that no force was used during the arrest. No witnesses came forward or were identified during the investigation. There is insufficient evidence to prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/04 **DATE OF COMPLETION:** 02/07/05 **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 refused his requests to use a bathroom. The officer stated that the complainant never requested to use a restroom. The officer stated that the complainant was in his custody for approximately five minutes before he was transported to County Jail. No witnesses came forward or were identified during the investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4:The officer kept the complainant handcuffed for a prolonged period of time.

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

FINDINGS OF FACT: The complainant stated that the officer kept him handcuffed for two to three hours. The officer stated that he did not recall who handcuffed the complainant and that the complainant was in his presence for about five minutes before he was transported to County Jail. No witnesses came forward or were identified during the investigation. There is insufficient evidence to prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/04 **DATE OF COMPLETION:** 02/07/05 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer and others failed to follow through on information he had supplied with respect to an incident in which he had been injured. The officers at the scene denied that the complainant provided the information and stated they had taken other steps to try to locate the suspects. No civilian witnesses came forward who could corroborate the complainant's statement. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer mischaracterized his response during the incident that was subject of the report. The officer denied that he inaccurately characterized the complainant as "uncooperative" at the scene. No civilian witnesses came forward who could corroborate the complainant's statement. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/04 **DATE OF COMPLETION:** 02/07/05 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #4-5: The officers failed to arrest an individual.

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

FINDINGS OF FACT: The complainant stated that he provided information to officers that should have led them to arrest the person responsible for his injury. The officers denied that the complainant pointed out anyone to them and described other steps they took, which they said were not fruitful, to apprehend the suspect(s) in the matter. The officers stated they were without probable cause to arrest anyone. No civilian witnesses came forward who were able to corroborate the facts. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/04 **DATE OF COMPLETION:**02/22/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer took an action designed to harass the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that the officer had seized his motorcycle in order to harass him on two occasions. The officer denied the allegation. Departmental Records indicated that the motorcycle in question had been seized on two separate occasions as a result of an arrest and a search warrant. The named officer was not involved in the arrest but was involved in obtaining a search warrant for the co-complainant's residence. The investigation was unable to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to properly process and release the co-complainant's property.

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

FINDINGS OF FACT: The complainant and co-complainant stated that the named officer released his motorcycle to an unauthorized party. The officer denied the allegation and noted that records from Department Motor Vehicle show that the lawful owner of the motorcycle was the party the motorcycle was released to. The lawful owner did not have a motorcycle certification of her driver's license so she brought along with her to receive the motorcycle a lawfully licensed driver with a motorcycle certification. This action is within Departmental Guidelines and as such was lawful and proper.

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DATE OF COMPLAINT: 11/17/04 **DATE OF COMPLETION:**02/22/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to complete an Incident Report.

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

FINDINGS OF FACT: The complainant stated that he attempted to get the named officer to take a theft report regarding the motorcycle. The officer stated there were no grounds for an Incident Report as the motorcycle had been released to the legal owner as proven by the records presented at the time the motorcycle was released. The District Attorney's office informed the named officer that the complainant did not have standing to file a theft report. 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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DATE OF COMPLAINT: 10-27-04 **DATE OF COMPLETION:** 02-22-05 **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.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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AMENDED**

DATE OF COMPLAINT: 11/16/04 **DATE OF COMPLETION:** 02/16/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's traffic enforcement was racially motivated.

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

FINDINGS OF FACT: The officer denied the allegation. No other witnesses came forward. Records show stop was valid. Insufficient evidence to support racial based stop. Conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/19/04 **DATE OF COMPLETION:** 02/22/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The co-complainant stated that he made a mocking, sarcastic comment to the officer and that an unruly crowd surrounded him and the officers. He further stated that the complainant and his brother were yelling expletives at the officers. The officers stated that the co-complainant was confrontational, refused a command to walk to the patrol car, and tried to walk away from the officers. Department policy and procedures provide officers with the discretion to handcuff individuals when officer safety may be a concern. In this incident, the officer was dealing with an unruly subject as well as a hostile crowd. The officer acted properly.

SUMMARY OF ALLEGATION #2: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated that the officer told him to get back on the sidewalk. The co-complainant stated that the complainant had no verbal interaction with the officer.

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SUMMARY OF ALLEGATION #3: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer threatened to arrest him if he interfered. The co-complainant stated that the complainant had no verbal interaction with the officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12-09-04 **DATE OF COMPLETION:** 02-22-05 **PAGE#** 1 of 3

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12-09-04 **DATE OF COMPLETION:** 02-22-05 **PAGE#** 2 of 3

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

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

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

SUMMARY OF ALLEGATION #4: 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.

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DATE OF COMPLAINT: 12-09-04 **DATE OF COMPLETION:** 02-22-05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer conducted a pat search without cause.

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

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

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/22/04 **DATE OF COMPLETION:** 02/07/05 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #: 1-2: The officers used profane and uncivil language.

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

FINDINGS OF FACT: The complainant stated that she wished to withdraw her complaint.

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

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

FINDINGS OF FACT: The complainant stated that she wished to withdraw her complaint.

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

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

FINDINGS OF FACT: The complainant stated that she wished to withdraw her complaint.

SUMMARY OF ALLEGATIONS #6: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that she wished to withdraw her complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/22/04 **DATE OF COMPLETION:** 02/07/05 **PAGE#3 of 4**

SUMMARY OF ALLEGATIONS #7: The officer behaved inappropriately and made profane and offensive comments.

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

FINDINGS OF FACT: The complainant stated that she wished to withdraw her complaint.

SUMMARY OF ALLEGATIONS #8: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that she wished to withdraw her complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/22/04 **DATE OF COMPLETION:** 02/07/05 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #9-10: The officers failed to promptly and politely provide their names and star numbers.

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

FINDINGS OF FACT: The complainant stated that she wished to withdraw her complaint.

SUMMARY OF ALLEGATION #11: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that she wished to withdraw her complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12-28-04 **DATE OF COMPLETION:** 02-22-05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately toward the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer admonished him in a hostile manner. The officer denied the allegation. A witness stated that he did not hear the officer's conversation with the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated that he cited the complainant for being double-parked. The complainant admitted that he was double-parked. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/03 **DATE OF COMPLETION:** 02/09//05 **PAGE # 1 of 5**

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

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

FINDINGS OF FACT: The complainant stated that the officer forcefully dragged her down the front stairs of her residence. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer exhibited a poor demeanor and/or threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer threatened the complainant with jail if she did not stop talking. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/08/03 **DATE OF COMPLETION:** 02/09/05 **PAGE #** 2 of 5

SUMMARY OF ALLEGATION #3-6: The officers searched a part of the residence beyond the scope of the parole search.

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

FINDINGS OF FACT: The complainant stated that the officers improperly searched her residence without a warrant. The officers denied the allegation, stating that they had sufficient information to conduct a warrantless parole search of a parolee whom they knew to reside in the complainant's residence. Although a parole search without a warrant or probable cause may be proper, the permissible scope of the officers' search was not established. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7-8: The officers intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that the officers kicked open her alleyway gate and tore the radio from a garaged vehicle, resulting in property damage. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/08/03 **DATE OF COMPLETION:** 02/09/05 **PAGE # 3 of 5**

SUMMARY OF ALLEGATION #9: The officer searched the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officer(s) searched her grandson's vehicle without probable cause. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer misrepresented the truth in a police report.

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

FINDINGS OF FACT: The complainant stated that the officer documented in a police report that she used profanity. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/08/03 **DATE OF COMPLETION:** 02/09/05 **PAGE # 4 of 5**

SUMMARY OF ALLEGATION #11: The officer arrested the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated that the officer arrested her on false criminal charges. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that she was detained outside on a cold autumn night without the benefit of proper clothing. The officer denied the allegation, stating that the complainant was given a coat once the protective sweep of her residence was completed. The evidence established that the officer had various means of detaining the elderly complainant without subjecting her to standing in the cold.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/08/03 **DATE OF COMPLETION:** 02/09/05 **PAGE # 5 of 5**

SUMMARY OF ALLEGATION #13-14: The officer failed to properly document property.

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

FINDINGS OF FACT: The complainant stated that the officer(s) did not provide her with any documentation for those things they had seized. The officer denied the allegation. The Office of Citizen Complaints investigation discovered no proof of an existing property receipt and that a property receipt should have been issued to the complainants, under Department General Order 6.15.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/03/05 **DATE OF COMPLETION:** 02/22/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was at San Francisco Airport to pick up a friend when he was cited for providing ground transportation at the airport without a permit, a violation of the Airport Commission's Rules and Regulations Section 1.4.7 (A)(2). The officer stated the complainant admitted to her that he was at the airport to pick up a passenger and that he showed her a waybill. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01-12-05 **DATE OF COMPLETION:** 02-22-05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. A law enforcement witness, who was involved in an argument with the complainant, said that the officer did not behave inappropriately toward the complainant and did not make inappropriate comments as alleged. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to promptly and politely provide his name and/or star number.

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

FINDINGS OF FACT: The officer denied the allegation. There were no other witnesses. A law enforcement witness, who was involved in an argument with the complainant, corroborated the officer's statement. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/12/05 **DATE OF COMPLETION:** 02/28/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant failed to provide essential information to pursue the investigation, and there was no independent evidence to name a specific officer regarding the alleged conduct.

SUMMARY OF ALLEGATION # 2: The officer drove improperly a department vehicle.

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

FINDINGS OF FACT: The complainant failed to provide essential information to pursue the investigation, and there was no independent evidence to name a specific officer regarding the alleged conduct.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATION #3: The officer used excessive force during one or more detentions.

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

FINDINGS OF FACT: The complainant failed to provide essential information to pursue the investigation, and there was no independent evidence to name a specific officer regarding the alleged conduct.

SUMMARY OF ALLEGATION #4: The officer used inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant failed to provide essential information to pursue the investigation, and there was no independent evidence to name a specific officer regarding the alleged conduct.

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DATE OF COMPLAINT: 01/12/05 **DATE OF COMPLETION:** 02/28/05 **PAGE#** 3 **of** 3

SUMMARY OF ALLEGATION #5: The officer behaved in a threatening and intimidating manner.

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

FINDINGS OF FACT: The complainant failed to provide essential information to pursue the investigation, and there was no independent evidence to name a specific officer regarding the alleged conduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/19/05 **DATE OF COMPLETION:** 02/07/05 **PAGE#** 1 of 1

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

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

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

Maria Williams
Muni Passenger Service Dept.
949 Presidio Ave., Rm. 239
San Francisco, CA 94115

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant failed to respond to several Office of Citizen Complaints requests for an interview to provide necessary information concerning the victim to identify the officers involved.

SUMMARY OF ALLEGATIONS #2: The officer(s) used excessive force during the detention.

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

FINDINGS OF FACT: The complainant failed to respond to several Office of Citizen Complaints requests for an interview to provide necessary information concerning the victim to identify the officers involved.

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DATE OF COMPLAINT: 01/18/05 **DATE OF COMPLETION:** 02/28/05 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3: The officers searched a juvenile without cause.

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

FINDINGS OF FACT: The complainant failed to respond to several Office of Citizen Complaints requests for an interview to provide necessary information concerning the victim to identify the officers involved.

SUMMARY OF ALLEGATIONS #4: The officer made sexually derogatory comments to a juvenile.

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

FINDINGS OF FACT: The complainant failed to respond to several Office of Citizen Complaints requests for an interview to provide necessary information concerning the victim to identify the officers involved.

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DATE OF COMPLAINT: 01/18/05 **DATE OF COMPLETION:** 02/28/05 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5: The officer threatened a juvenile.

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

FINDINGS OF FACT: The complainant failed to respond to several Office of Citizen Complaints requests for an interview to provide necessary information concerning the victim to identify the officers involved.

SUMMARY OF ALLEGATIONS #6: The officers seized monies from a juvenile without justification.

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

FINDINGS OF FACT: The complainant failed to respond to several Office of Citizen Complaints requests for an interview to provide necessary information concerning the victim to identify the officers involved.

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

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

FINDINGS OF FACT: The complainant failed to respond to several Office of Citizen Complaints requests for an interview to provide necessary information concerning the victim to identify the officers involved.

SUMMARY OF OCC ADDED ALLEGATION #8: The officers failed to report and document the use of force.

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

FINDINGS OF FACT: The complainant failed to respond to several Office of Citizen Complaints requests for an interview to provide necessary information concerning the victim to identify the officers involved.

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SUMMARY OF ALLEGATION #2: This allegation raises matters not rationally within O.C.C.'s jurisdiction.

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

FINDINGS OF FACT: This allegation raises matters not rationally within O.C.C.'s jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer had a rude attitude or demeanor toward the complainant.

CATEGORY OF CONDUCT: D **FINDING:** NF **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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/05 **DATE OF COMPLETION:** 02/22/05 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: CRD **FINDING:** NF **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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/05 **DATE OF COMPLETION:** 02/07/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant requested a withdrawal of the complaint.

CATEGORY OF CONDUCT: **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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/05 **DATE OF COMPLETION:** 02/07/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The evidence proved that the action complained of did not involve a sworn member of the Department.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/05 **DATE OF COMPLETION:** 02/22/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The identity of the alleged officer has not been established.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/05 **DATE OF COMPLETION:** 02/28/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: the officer's behavior was inappropriate and reflected poorly on SFPD.

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

FINDINGS OF FACT: The investigation was unable to identify the specific event and the officer in question.

SUMMARY OF ALLEGATION #2: The officer improperly operated his patrol unit, double-parking in order to conduct personal business.

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

FINDINGS OF FACT: The investigation was unable to identify the specific event or the officer in question.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/05 **DATE OF COMPLETION:** 02/07/05 **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.

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: 02/04/05 **DATE OF COMPLETION:** 02/28/05 **PAGE#** 1 of 2

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

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

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

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

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

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

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/04/05 **DATE OF COMPLETION:** 02/28/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officers subjected the complainant to unnecessary force during his arrest.

CATEGORY OF CONDUCT: UF **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:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that an officer made inappropriate comments and acted inappropriately by following her vehicle. There was no contact information for the Office of Citizen Complaints to contact the complainant to further identify the officer. The investigation included running the unit histories of all officers assigned to the area and also running the unit histories of officers assigned to Taraval and Ingleside stations for the time and date in question. No officer was identified from the unit histories. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/05 **DATE OF COMPLETION:** 02/22/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Sheriff's Department Internal Affairs Unit

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/15/05 **DATE OF COMPLETION:** 02/21/05 **PAGE#** 1 **of** 1

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

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

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

Attn: Lt. Al Kennedy
San Francisco Sheriff's Department
Internal Affairs Unit
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/04 **DATE OF COMPLETION:** 02/22/05 **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 complainant stated that he asked the officer's assistance after being refused entry to a nightclub but the officer detained him without any apparent reason. The named member stated that he briefly detained the complainant due to his combative behavior. The complainant's friend and the officer's partner stated that they did not see the initial part of this police contact. There were no other identifiable witnesses to this aspect of the incident. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer misused the CLETS computer system.

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

FINDINGS OF FACT: The complainant stated that the officer queried his name over police radio without any apparent reason. The named member did not recall whether he ran the complainant's name over the police computer. A computer record of the officer's activity did not show any queries of the complainant's name, however, it is possible that this information may not appear in any documentation if the dispatcher did not affix the office's unit identifier to the query. Therefore, There is insufficient evidence to prove or disprove the allegation.

REVISED 04/2/000

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/04 **DATE OF COMPLETION:** 02/22/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer issued an inaccurate Certificate of Release.

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

FINDINGS OF FACT: The complainant stated that he was detained for over half an hour but the officer's Certificate of Release showed that he was detained and released at the same time. The officer stated that the complainant was detained no longer than three to five minutes. The OCC found that the officer's entry in the Certificate of Release regarding the complainant's detention was most likely erroneous. However, the available evidence was insufficient to determine if the mistake was based on wrongful intent.

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: 03/26/04 **DATE OF COMPLETION:** 02/05/05 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: The complainant stated that he and two friends were moving his belongings, including a rifle, a handgun, and a flashlight that had been modified to fire a projectile, to his storage locker in Redwood City when he discovered that he had left the key to his storage locker at a friend's house in San Francisco. The complainant stated that he and his friends drove to San Francisco to retrieve the key, and that he then left his friends and drove to meet with an acquaintance from whom he wanted to borrow five dollars for food. The complainant stated that neither of the friends whom he drove to San Francisco, nor the friend whose house they went to had any cash to give him, and that he did not have an ATM card. The complainant stated that he met his acquaintance in the parking lot of a video store, received five dollars from him, then showed him an electronics device that he removed from his trunk. The complainant then got something to eat, and while driving alone to pick up his two friends, was stopped by a marked police unit. The complainant stated that the named officers detained him. The named officers asked to search the complainant's trunk, but he refused. When the named officers asked the complainant if he had any firearms in his trunk, he lied and said he did not because he feared that if he told the officers about the firearms, he would be delayed in picking up his friends. The named officers stated that they were parked in the lot of the video store on another assignment when they observed the complainant engage in suspicious behavior: the complainant entered the parking lot but remained in his car. When he did exit his car, he glanced around nervously. The officers stated that the complainant met with a man, and that they both examined items inside the complainant's trunk. The officers stated that they clearly observed what appeared to be a rifle case inside the complainant's trunk. The officers stated that the second man then left the parking lot, as did the complainant, who never entered the video store. The officers stated that they then followed the complainant's car, which drove a circuitous route before parking at a fast food restaurant directly across the street from the video store. The officers continued their surveillance, and had a marked police unit conduct a traffic stop in order to conduct an investigation into a possible illegal firearms sale. The officers stated that when questioned about his activities, the complainant did not mention the meeting in the parking lot, and denied having firearms in his trunk. Based on the totality of the circumstances, including the complainant's suspicious activities in a parking lot at night and their observations of the rifle case inside the complainant's car, the officers had reasonable suspicion to believe that the complainant was involved in criminal activity, and their actions were proper.

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DATE OF COMPLAINT: 03/26/04 **DATE OF COMPLETION:** 02/05/05 **PAGE# 2 of 6**

SUMMARY OF ALLEGATION # 3 & 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 two friends were moving his belongings, including a rifle, a handgun, and a flashlight that had been modified to fire a projectile, to his storage locker in Redwood City when he discovered that he had left the key to his storage locker at a friend's house in San Francisco. The complainant stated that he and his friends drove to San Francisco to retrieve the key, and that he then left his friends and drove to meet with an acquaintance from whom he wanted to borrow five dollars for food. The complainant stated that neither of the friends whom he drove to San Francisco, nor the friend whose house they went to had any cash to give him, and that he did not have an ATM card. The complainant stated that he met his acquaintance in the parking lot of a video store, received five dollars from him, then showed him an electronics device that he removed from his trunk. The complainant then got something to eat, and while driving alone to pick up his two friends, was stopped by a marked police unit. The complainant stated that the named officers detained him. The named officers asked to search the complainant's trunk, but he refused. When the named officers asked the complainant if he had any firearms in his trunk, he lied and said he did not because he feared that if he told the officers about the firearms, he would be delayed in picking up his friends. The complainant stated that he was arrested for possession of the modified flashlight. The named officers stated that they were parked in the lot of the video store on another assignment when they observed the complainant engage in suspicious behavior: the complainant entered the parking lot but remained in his car. When he did exit his car, he glanced around nervously. The officers stated that complainant met with a man, and that they both examined items inside the complainant's trunk. The officers stated that they clearly observed what appeared to be a rifle case inside the complainant's trunk. The officers stated that the second man then left the parking lot, as did the complainant, who never entered the video store. The officers stated that they then followed the complainant's car, which drove a circuitous route before parking at a fast food restaurant directly across the street from the video store. The officers continued their surveillance, and had a marked police unit conduct a traffic stop in order to conduct an investigation into a possible illegal firearms sale. The officers stated that when questioned about his activities, the complainant did not mention the meeting in the parking lot, and denied having firearms in his trunk. The officers searched the complainant's trunk and discovered a flashlight modified into a firearm, at which point they arrested the complainant. The officers also discovered a rifle and a handgun inside the complainant's trunk, which had been reported stolen, along with methamphetamine. Based on the totality of the circumstances, including the complainant's suspicious activities and their observations of the rifle case inside the complainant's car, the officers had reasonable suspicion to believe that the complainant was involved in criminal activity, and therefore to detain the complainant and to search his trunk. The complainant's possession of a zip-gun was a felony, and therefore the complainant's arrest was proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/04 **DATE OF COMPLETION:** 02/05/05 **PAGE#** 3 of 6

SUMMARY OF ALLEGATION # 5 & 6 : The officers searched the complainant's vehicle without cause

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

FINDINGS OF FACT: The complainant stated that he and two friends were moving his belongings, including a rifle, a handgun, and a flashlight that had been modified to fire a projectile, to his storage locker in Redwood City when he discovered that he had left the key to his storage locker at a friend's house in San Francisco. The complainant stated that he and his friends drove to San Francisco to retrieve the key, and that he then left his friends and drove to meet with an acquaintance from whom he wanted to borrow five dollars for food. The complainant stated that neither of the friends whom he drove to San Francisco, nor the friend whose house they went to had any cash to give him, and that he did not have an ATM card. The complainant stated that he met his acquaintance in the parking lot of a video store, received five dollars from him, then showed him an electronics device that he removed from his trunk. The complainant then got something to eat, and while driving alone to pick up his two friends, was stopped by a marked police unit. The complainant stated that the named officers detained him. The named officers asked to search the complainant's trunk, but he refused. When the named officers asked the complainant if he had any firearms in his trunk, he lied and said he did not because he feared that if he told the officers about the firearms, he would be delayed in picking up his friends. The officers searched the complainant's trunk without his consent. The named officers stated that they were parked in the lot of the video store on another assignment when they observed the complainant engage in suspicious behavior: the complainant entered the parking lot but remained in his car. When he did exit his car, he glanced around nervously. The officers stated that complainant met with a man, and that they both examined items inside the complainant's trunk. The officers stated that they clearly observed what appeared to be a rifle case inside the complainant's trunk. The officers stated that the second man then left the parking lot, as did the complainant, who never entered the video store. The officers stated that they then followed the complainant's car, which drove a circuitous route before parking at a fast food restaurant directly across the street from the video store. The officers continued their surveillance, and had a marked police unit conduct a traffic stop in order to conduct an investigation into a possible illegal firearms sale. The officers stated that when questioned about his activities, the complainant did not mention the meeting in the parking lot, and denied having firearms in his trunk. The officers opened the complainant's trunk, and discovered a rifle inside the case, a handgun, and a zip-gun (a flashlight that had been illegally modified to fire a cartridge). Based on the totality of the circumstances, including the complainant's suspicious activities and their observations of the rifle case inside the complainant's car, the officers had reasonable suspicion to believe that the complainant was involved in criminal activity, and to detain him. The complainant admitted lying to the officers about the presence of firearms in his trunk, and was not candid with them about his previous activities. The account of this incident that the complainant provided to OCC was not credible in several significant respects: the complainant denied

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DATE OF COMPLAINT: 03/26/04 **DATE OF COMPLETION:** 02/05/05 **PAGE#** 4 **of** 6

FINDINGS OF FACT: providing the name of the acquaintance with whom he met in the parking lot to the officers, yet this individual's first name is included in the police report; the complainant denied that there were any drugs in his car, yet police records document that methamphetamines were found in his vehicle; the complainant stated that he met this acquaintance to borrow five dollars, yet also stated that immediately before this meeting, he bought gas which he paid for in cash. The complainant's story about meeting this acquaintance in a parking lot at night in order to borrow five dollars also lacks credibility. The complainant was unable to provide the last name, address, or telephone number of the acquaintance whom he met in the parking lot, who could have confirmed the complainant's account of their meeting. Considering the totality of the evidence, the officer's actions were proper.

SUMMARY OF ALLEGATION # 7: The officer misrepresented the truth in court

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

FINDINGS OF FACT: The complainant stated that he and two friends were moving his belongings, including a rifle, a handgun, and a flashlight that had been modified to fire a projectile, to his storage locker in Redwood City when he discovered that he had left the key to his storage locker at a friend's house in San Francisco. The complainant stated that he and his friends drove to San Francisco to retrieve the key, and that he then left his friends and drove to meet with an acquaintance from whom he wanted to borrow five dollars for food. The complainant stated that neither of the friends whom he drove to San Francisco, nor the friend whose house they went to had any cash to give him, and that he did not have an ATM card. The complainant stated that he met his acquaintance in the parking lot of a video store, received five dollars from him, then showed him an electronics device that he removed from his trunk. The complainant then got something to eat, and while driving alone to pick up his two friends, was stopped by a marked police unit. The complainant stated that the named officers detained him. The named officers asked to search the complainant's trunk, but he refused. When the named officers asked the complainant if he had any firearms in his trunk, he lied and said he did not because he feared that if he told the officers about the firearms, he would be delayed in picking up his friends. The officers searched the complainant's trunk and arrested the complainant for possession of a zip-gun, possession of methamphetamines and possession of stolen property. The complainant stated that the named officer lied in court when he testified about the caliber of the rifle found in the complainant's vehicle. The named officer and his partner stated that they were parked in the lot of the video store on another assignment when they observed the complainant engage in suspicious behavior: the complainant entered the parking lot but remained in his car. When he did exit his car, he glanced around nervously. The officers stated that complainant met with a man, and that they both examined items inside the complainant's trunk. The officers stated that they clearly observed what appeared to be a rifle case inside the complainant's trunk.

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DATE OF COMPLAINT: 03/26/04 **DATE OF COMPLETION:** 02/05/05 **PAGE#** 5 of 6

Continuation of allegation #7

The officers stated that the second man then left the parking lot, as did the complainant, who never entered the video store. The officers stated that they then followed the complainant's car, which drove a circuitous route before parking at a fast food restaurant directly across the street from the video store. The officers continued their surveillance, and had a marked police unit conduct a traffic stop in order to conduct an investigation into a possible illegal firearms sale. The officers stated that when questioned about his activities, the complainant did not mention the meeting in the parking lot, and denied having firearms in his trunk. The officers opened the complainant's trunk, and discovered a rifle inside the case, a handgun, and a zip-gun (a flashlight that had been illegally modified to fire a cartridge). The complainant admitted lying to the officers about the presence of firearms in his trunk, and was not candid with them about his previous activities. The account of this incident that the complainant provided to OCC was not credible in several significant respects: the complainant denied providing the name of the acquaintance with whom he met in the parking lot to the officers, yet this individual's first name is included in the police report; the complainant denied that there were any drugs in his car, yet police records document that methamphetamines were found in his vehicle; the complainant stated that he met this acquaintance to borrow five dollars, yet also stated that immediately before this meeting, he bought gas which he paid for in cash. The complainant was unable to provide the last name, address, or telephone number of the acquaintance whom he met in the parking lot, who could have confirmed the complainant's account of their meeting. The firearm confiscated from the complainant's vehicle was identified in the police report by the named officer by caliber and serial number. The complainant claimed that he had modified this weapon, changing its caliber. The evidence established that the officer identified the firearm as indicated in the police report and that an alteration in its caliber was not a significant element to the offence.

SUMMARY OF ALLEGATION # 8 : The officer made a racially derogatory comment

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

FINDINGS OF FACT: The complainant stated that he and two friends were moving his belongings, including a rifle, a handgun, and a flashlight that had been modified to fire a projectile, to his storage locker in Redwood City when he discovered that he had left the key to his storage locker at a friend's house in San Francisco. The complainant stated that he and his friends drove to San Francisco to retrieve the key, and that he then left his friends to firearms drove to meet with an acquaintance from whom he wanted to borrow five dollars for food. The complainant stated that neither of the friends whom he drove to San Francisco, nor the friend whose house they went to had any cash to give him, and that he did not have an ATM card. The complainant stated that he met his acquaintance in the parking lot of a video store, received five dollars from him, then showed him an electronics device that he removed from his trunk. The complainant then got something to eat, and while driving alone to pick up his two friends, was

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/04 **DATE OF COMPLETION:** 02/05/05 **PAGE#** 6 of 6

Continuation of allegation #8

stopped by a marked police unit. The complainant stated that the named officers detained him. The named officers asked to search the complainant's trunk, but he refused. When the named officers asked the complainant if he had any firearms in his trunk, he lied and said he did not because he feared that if he told the officers about the firearms, he would be delayed in picking up his friends. The officers searched the complainant's trunk and arrested him for possession of a zip-gun. At the police station, the named officer made a racially derogatory comment to the complainant. The named officer and his partner stated that they were parked in the lot of the video store on another assignment when they observed the complainant engage in suspicious behavior: the complainant entered the parking lot but remained in his car. When he did exit his car, he glanced around nervously. The officers stated that complainant met with a man, and that they both examined items inside the complainant's trunk. The officers stated that they clearly observed what appeared to be a rifle case inside the complainant's trunk. The officers stated that the second man then left the parking lot, as did the complainant, who never entered the video store. The officers stated that they then followed the complainant's car, which drove a circuitous route before parking at a fast food restaurant directly across the street from the video store. The officers continued their surveillance, and had a marked police unit conduct a traffic stop in order to conduct an investigation into a possible illegal firearms sale. The officers stated that when questioned about his activities, the complainant did not mention the meeting in the parking lot, and denied having firearms in his trunk. The officers opened the complainant's trunk, and discovered a rifle inside the case, a handgun, and a zip-gun (a flashlight that had been illegally modified to fire a cartridge). The named officer denied making a racial slur to the complainant, and his partner stated that he never heard the named officer make such a remark. The complainant admitted lying to the officers about the presence of firearms in his trunk, and was not candid with them about his previous activities. The account of this incident that the complainant provided to OCC was not credible in several significant respects: the complainant denied providing the name of the acquaintance with whom he met in the parking lot to the officers, yet this individual's first name is included in the police report; the complainant denied that there were any drugs in his car, yet police records document that methamphetamines were found in his vehicle; the complainant stated that he met this acquaintance to borrow five dollars, yet also stated that immediately before this meeting, he bought gas which he paid for in cash. The complainant's story about meeting this acquaintance in a parking lot at night in order to borrow five dollars also lacks credibility. The complainant was unable to provide the last name, address, or telephone number of the acquaintance whom he met in the parking lot, who could have confirmed the complainant's account of their meeting. Considering the totality of the evidence, the complainant's account of this incident is less credible than that of the named officer. A preponderance of the evidence established that the complained of conduct did not occur.

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DATE OF COMPLAINT: 04/16/04 **DATE OF COMPLETION:** 02/07/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The officers denied the allegation stating that all of the complainant's property was itemized, documented and transported along with the complainant to the county jail. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers denied the allegation. The officers documented in department records that the complainant was arrested for being under the influence of drugs. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/16/04 **DATE OF COMPLETION:** 02/07/05 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The officers denied the allegation stating that the complainant was arrested for being under the influence of drugs in public. The officers stated that the complainant was searched incident to arrest. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/23/04 **DATE OF COMPLETION:** 02/04/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers searched the room of the complainant's son without justification.

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

FINDINGS OF FACT: The complainant stated that officers entered her residence and searched the room of her son without justification. The investigation revealed that the complainant's son was on probation with a search condition which allowed the officers to search the complainant's area of residence. The evidence showed that the conduct alleged was proper, legal and justified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/26/04 **DATE OF COMPLETION:** 02/07/05 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1, #2: The officers' comments and behavior were inappropriate, rude and threatening.

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

FINDINGS OF FACT: The named officers denied the allegations. Four witness officers stated they were not present during the arrest, and did not observe any alleged comments or behavior during the detention. One witness failed to respond to numerous requests by the Office of Citizen Complaints for an interview. Another witness could not be located. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove, or disprove, the allegation.

SUMMARY OF ALLEGATIONS #3, #4: The officers failed to provide medical assistance to the complainant.

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

FINDINGS OF FACT: The named officers denied the allegations. Four witness officers stated that they did not hear the complainant request assistance or complain of injury or pain. The complainant failed to provide additional requested information.

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DATE OF COMPLAINT: 04/26/04 **DATE OF COMPLETION:** 02/07/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #5: The officers failed to maintain proper care and custody of their prisoner.

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

FINDINGS OF FACT: The named officers denied the allegations, stating that while the complainant asked to use the toilet, the threat of violent behavior on the complainant's part created an officer safety threat and they felt they could not release his handcuffs. Four witness officers stated they did not hear the complainant ask to use a toilet. One witness failed to respond to interview requests. Another witness could not be located. There were no other witnesses. The Department has no written policy regarding access to toilets by adult arrestees at District stations.

SUMMARY OF ALLEGATIONS #6-7: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The named officers, and four witness officers, denied the allegations, citing the outstanding restraining order that the complainant was in violation of by virtue of his presence at the address where he was arrested. Department records show that the complainant was the subject of a restraining order at the time of his arrest. The evidence proved that the acts that provided the basis of the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #8-9: The officers used excessive force during the arrest, detention and transport of the complainant.

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

FINDINGS OF FACT: The named officers denied the allegations. Four witness officers stated that they were not present during the arrest, and did not see the alleged behavior during the detention and transport that the complainant cited. One witness failed to respond to numerous requests for an interview by the Office of Citizen Complaints. The Office of Citizen Complaints failed to locate one possible witness to part of the alleged conduct. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove, or disprove, the allegation.

SUMMARY OF ALLEGATIONS #10-12: The officers failed to loosen the complainant's handcuffs.

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

FINDINGS OF FACT: The named officers denied the allegations, stating that they checked the handcuffs and they were not too tight. Four witness officers stated that they did not hear the complainant request that his handcuffs be loosened. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force at the police station. The complainant admitted he was under the influence of alcohol and refused to cooperate. The complainant stated he did not resist but the officer became aggressive, threw him to the floor, and repeatedly struck him in the face. The officer denied the allegations. The officer stated the complainant became uncooperative, belligerent, and assaulted him. The officer stated the complainant lost his balance and fell to the ground. A witness stated the complainant had a physical altercation with others before the police responded. The witness stated complainant was not cooperative, belligerent, screaming, kicking, violently struggling and assaulted others. There was insufficient evidence to establish the degree of force necessary to control the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers failed to book complainants property.

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

FINDINGS OF FACT: The complainant stated the officers failed to properly process her backpack and her bag. San Francisco Police Department records show that the complainant's property was booked into the property room and is currently stored in the property room. The investigation revealed that department procedure was followed and that complainant's belongings were properly processed.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers detained him without any apparent reason. The named members stated that they detained the complainant because he was in the immediate vicinity of the crime and he matched the broadcasted description of a possible robbery suspect by sex, race and color of his shirt. The victim of the robbery did not respond to the OCC's request for an interview. A witness heard the victim describe the suspect, but did not see the suspect. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated that the officers placed him in handcuffs without any apparent reason. The named members stated that they placed the complainant in handcuffs for his and their safety because the complainant was agitated and belligerent and he violently resisted the detention. There were no other identifiable witnesses to this part of the incident. The available evidence was insufficient to prove or disprove the allegation.

REVISED 04/20/00

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SUMMARY OF ALLEGATIONS #5-7: The officers used excessive force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated that the officers twisted his arms and threw him to the ground causing abrasions and scratches to his elbow and forearm. The complainant acknowledged that, while on the ground he "might have been squirming left to right trying to get up." The named members stated that they used physical control technique to overcome the complainant's resistance. There were no other identifiable witnesses to this part of the incident. The available evidence was insufficient to determine whether the force used by the named members was, in fact, excessive under the circumstances.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate request for an Emergency Protective Order.

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

FINDINGS OF FACT: Although the complainant denied that she had threatened the safety of a child, a civilian witness confirmed that he and the child had informed the officer that she had done so. The officer's action, therefore, was proper.

SUMMARY OF ALLEGATION #2: The officer requested an Emergency Protective Order without justification.

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

FINDINGS OF FACT: The complainant denied that she had threatened a child. The officer stated that he requested a protective order because he was told by the child and his father that she had done so. The father confirmed that he and the child told the officer the complainant had threatened the child. Under the circumstances, the officer were justified in applying for an emergency protective order.

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

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

FINDINGS OF FACT: The complainant stated that the officer's behavior and comments during a telephone call was inappropriate. The officer denied the allegation. There were no civilian witnesses to the officer's conversation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she had a telephone conversation with a supervisor who refused to provide his name and/or badge number when she asked for them. The investigation failed to establish with certainty the identities of persons who may have spoken to the complainant. Officers known to have spoken to the complainant denied that they were asked to identify themselves by the complainant.

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SUMMARY OF ALLEGATION #1-2: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant and co-complainants stated the sergeants told them to leave because they did not have a permit to sell merchandise, but they said they did not sell anything at the time. The sergeants denied ordering them to leave. They stated that the complainant and complainants do not have a permit to sell and told them that if they were selling they need to leave. One witness recalled that one complainant had merchandise. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer acted in a threatening and intimidating manner.

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

FINDINGS OF FACT: The complainants stated the officer got within a foot of one of their faces and began yelling and moving his hands around to the point she became scared for her safety. The officer denied the allegation. The witness officer did not hear the conversation between the officer and the complainants. Other witnesses corroborated the allegation. The preponderance of the evidence is sufficient to support the finding of sustained.

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SUMMARY OF ALLEGATION #4: The officer inquired into an individual's immigration status.

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

FINDINGS OF FACT: The complainants stated that the officer asked one of the parties if she was a resident of the United States, if she had a social security number, to provide the SSN, and how and where she had obtained her immigration papers. The officer denied the allegation. One witness officer did not hear the conversation, while another denied the allegation. Other witnesses corroborated that the immigration questions were asked. The preponderance of the evidence is sufficient to support a finding of sustained.

SUMMARY OF ALLEGATION #5: The officer used profane language.

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

FINDINGS OF FACT: The co-complainant stated the officer used a profane word during their contact. The officer denied the allegation. One witness officer did not hear the conversation, while another officer denied the allegation. The witnesses did not hear this. There is insufficient evidence to prove or disprove the allegation.