

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/06 **DATE OF COMPLETION:** 03/31/07 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: The named officer denied the allegation. A witness officer stated he did not observe what led to the detention. No witnesses to the detention came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's person without cause.

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

FINDINGS OF FACT: The named officer denied the allegation, saying that he attempted to, but did not complete a search of the complainant. A witness officer stated he did not observe the attempt to search the complainant. No witnesses to the search came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. A witness officer stated that he did not observe the named officer engage in a search of the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer searched the complainant's person without cause.

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

FINDINGS OF FACT: The named officer and three witness officers acknowledged that the named officer was called to the scene of the complainant's arrest to transport the complainant and that she removed a gun when she saw it protruding from the complainant's pocket. Department arrest and control procedures mandate the removal of weapons from arrestees when transported. No other witnesses came forward. The evidence proved that the acts that formed the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The named officer acknowledged searching the complainant when called to the scene of the complainant's arrest to transport the complainant. The named officer stated that he pat-searched the complainant after his partner removed a loaded gun from the pocket of the complainant. Department arrest and control procedures mandate the searching of arrestees when transported. No other witnesses came forward. The evidence proved that the acts that formed the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION#6: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant told the Office of Citizen Complaints that the officer falsely charged him for carrying an open container. The officer stated that he saw the complainant holding an open container of alcohol. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-8: The officers used excessive force during the arrest of the complainant.

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

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

SUMMARY OF ALLEGATION #9: The officer used unnecessary force on the complainant while in custody.

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

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

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SUMMARY OF ALLEGATION #10: The officer behaved inappropriately and made inappropriate comments.

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

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

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers entered the complainant's residence without cause.

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

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

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SUMMARY OF OCC ADDED ALLEGATIONS #3-4: The officers searched the complainant's residence without cause.

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

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

SUMMARY OF ALLEGATIONS:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said that he told officers at the scene of his arrest that he had been the victim of a theft. Four officers and a sergeant who were listed on Department records as being on the scene denied hearing the statement. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The arresting officers denied the allegation, saying that they were told by the reporting party that the complainant entered her house through a window and took property that did not belong to him. The complainant stated during his interview that he entered the reporting party's apartment building without a key, and entered her apartment through a broken window, after which he looked through the apartment and "took some things," at least one of which he acknowledged did not belong to him. No witnesses came forward. 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 ALLEGATIONS #4-5: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that the officers improperly turned his property over to a civilian for storage while he was in jail. The named officers stated that the complainant's wife gave permission at the scene for his property to be stored with the civilian. The complainant acknowledged during an OCC interview that he was told about the storage arrangement at the time and did not recall whether he objected to it. The complainant's girlfriend did not respond to requests for interview. No other witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6: The officer used profanity.

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

FINDINGS OF FACT: The officers at the scene of the arrest denied using profanity. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer punched a man who was resisting arrest. The complainant stated the man appeared to be intoxicated or high on drugs. The officer did not have backup. The officer stated he punched the man once. He stated the man was intoxicated and violently resisting arrest. The officer stated the man weighed twice as much as the officer. One witness stated he notified the officer when the man urinated in public. This witness stated the man was “totally trashed,” and fighting with the officer. This witness did not see the officer punch the man. This witness stated the officer was defending himself. A second witness stated the officer was trying to help the man but the man “just went ballistic.” This witness did not see the officer strike the man. The officer’s conduct was proper.

SUMMARY OF ALLEGATION #2: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he told an officer at the scene that he saw the arresting officer punch the arrestee. The complainant did not tell this officer he wanted to make a citizen’s complaint. The named officer stated he took a witness statement from the complainant and reviewed this statement with the complainant. This statement is attached to the Incident Report and signed by the complainant. The officer’s conduct was proper.

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SUMMARY OF ALLEGATION #3: The officer threatened to arrest an onlooker.

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

FINDINGS OF FACT: The complainant stated an officer at the scene threatened to arrest an onlooker who said to another officer, "Take it easy." The complainant could not identify or describe the officer or the onlooker. Two witnesses at the scene stated they did not hear this threat. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was arrested for battery on a peace officer, maintaining a public nuisance, loitering with the intent of prostitution and jaywalking. The complainant was in a high prostitution area. The complainant acknowledged jaywalking and having no identification. Photographs of the complainant taken at the station show that the complainant was not wearing any clothing below her waist except pantyhose. The complainant also acknowledged kicking one officer. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The complainant alleged she was struck in the face with a closed fist. The officer denied this allegation and stated that complainant kicked her leg while she was handcuffing the complainant. The complainant acknowledged kicking the officer's leg. There were no witnesses. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer detained him without justification. The evidence shows that complainant was detained and was cited for impersonating a police officer. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer handcuffed him without cause or reason. The officer stated that the complainant was handcuffed for officer safety. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer searched him without justification. The officer stated that he searched the complainant for possible weapons within his person. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful, and proper.

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

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

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

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SUMMARY OF ALLEGATION #5: The officer searched the complainant's vehicle without his consent.

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

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

SUMMARY OF ALLEGATION #6: The officer searched the complainant's vehicle without his consent.

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

FINDINGS OF FACT: The complainant said the officer searched his vehicle without the complainant's consent. The named officer and other officers denied the allegation and said that the complainant consented to the search. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer seized complainant's property without cause.

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

FINDINGS OF FACT: The complainant said the officer seized his badge without cause and without his consent. The officer said the complainant's badge was an instrument of the violation. Other officers corroborated this and stated that the badge was taken as evidence and a property receipt was issued to the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer drove his vehicle improperly.

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

FINDINGS OF FACT: The complainant said the officer drove his police vehicle improperly resulting to the damage of her vehicle. The officer denied the allegation. One witness said the officer was not speeding and was driving his car properly. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 2.06.

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

FINDINGS OF FACT: The basis for this allegation is that the officer was involved in a vehicle accident, and that the officer failed to remain at the accident scene. The officer and his civilian passenger denied being involved in an accident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers used inappropriate behavior and, or comments.

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:

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer admonished the complainant from a moving vehicle.

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

FINDINGS OF FACT: The complainant could not identify the involved officer. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant without justification on November 20, 2006.

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

FINDINGS OF FACT: The complainant and his witness stated that the complainant was taken into custody without justification. The officers stated that the complainant was detained for public intoxication. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer detained the complainant without justification on November 27, 2006.

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

FINDINGS OF FACT: The officer stated that the complainant was stopped for making an unsafe lane change. The complainant stated that he probably failed to signal when he changed lanes. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #4: The officer used unnecessary force.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the SFPD's Management Control Division.

SUMMARY OF ALLEGATION #2: The officer misused Department property.

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the SFPD's Management Control Division.

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

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the SFPD's Management Control Division.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause. The officer said she responded to a hotel on a follow up call from the owner and a worker who had previously reported two tenants had threatened to kill them two days earlier. The officer said a tenant corroborated the felony threats toward the victims, one of the victims pointed out the complainant to her as he walked out of his residence. One victim signed the complainant's citizen's arrest. Under Penal Code Section 142, officers are obligated to receive an arrest by a private person. The officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him without justification as he walked out of his residence. The officer stated the complainant was reported as one of two suspects of criminal threats against two victims on scene, who pointed him out to her as he walked out of the building. The officer said she detained the complainant in handcuffs because she was alone on scene and until she could conduct further investigation on the threats. The evidence established that another tenant corroborated the threats, and the complainant was subsequently arrested on a citizen's arrest. The act of handcuffing a person under arrest is required under department policy and the evidence supports that officer's actions under these circumstances was lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that when the officer applied the handcuffs, he told her they were tight. The officer denied the handcuffs were too tight, said she double locked them, and ensured they were applied appropriately. The officer also stated the complainant did not express pain or complained when handcuffed. One witness on scene denied the allegation; whereas, another could not verify or deny it. There was no physical evidence of injury to the wrists twenty-one days after the incident, when the complaint was filed. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officers failed to loosen the complainants' handcuffs.

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

FINDINGS OF FACT: The complainants stated they told the officers who handcuffed them that their handcuffs were too tight, one on scene and the other inside the station. The co-complainant did not see the handcuffing of the complainant on scene to verify or deny this assertion. One officer and one witness on scene, however, denied there was any need to loosen anyone's handcuffs as there was no complaint or expression of pain after their handcuffing. The complainants gave conflicting accounts as to when and what the co-complainant said to his handcuffing officer inside the station about the handcuffs on him. A witness inside the station saw both subjects brought in by the officer, denied hearing either complainant complain about their handcuffs. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer failed to inform the complainant of the arrest charges.

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

FINDINGS OF FACT: The complainant said he asked the officer why he was being arrested. The officer stated she advised the complainant he was being placed under citizens' arrest based on the allegations of the victims regarding criminal threats. Three witnesses on scene gave conflicting statements as to who and how the complainant was told of his arrest charges. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainants gave conflicting accounts about what the officer said to the complainant in the police station parking lot. The officer and a witness inside the station denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer arrested the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated that he was arrested without justification. The officer said he had received two days earlier, a report from the victims that the complainants had threatened to kill the victims. The officer also stated the victims had pointed the co-complainant out as one of the two suspects and his superior directed him to take the co-complainant into custody. The officer's actions were consistent with department policy regarding a citizen's arrest and he was also acting under a direct order of his superior. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #9: The officer handcuffed the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated the officer handcuffed him without justification as he walked out of his residence. The officer stated the co-complainant had been identified as one of the two suspects who threatened to kill the victims days earlier and when he walked out of his residence, the victims and his superior pointed him out to be arrested. The act of handcuffing a person under arrest is required under department policy so the officer's actions were lawful and proper.

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SUMMARY OF ALLEGATION #10: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The co-complainant stated the officer applied the handcuffs too tight on him, and made an expression of pain in Spanish. The officer did not recall the co-complainant making any expression of pain. A witness near the location where the co-complainant was handcuffed denied hearing such an expression of pain. There were no other witnesses on scene to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer used excessive force toward the co-complainant while in custody.

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

FINDINGS OF FACT: The complainant gave conflicting accounts as to how the officer grabbed one or both of his handcuffed wrists and attempted to tighten them further. The officer denied the allegation and said that at the request of the complainant, he showed him how the handcuffs on his father, the co-complainant, were applied with the appropriate tightness. A witness in the station denied hearing a complain of tight handcuffs from either complainant and did not see the officer approaching the complainants for any reason related to their handcuffs. There was no physical or medical evidence to substantiate the handcuffs were applied excessively tight. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer(s) failed to properly document a citizen's arrest.

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

FINDINGS OF FACT: The OCC stated that the officer incorrectly wrote the names of both complainants under citizen's arrest in the same form. There is no department policy or procedure, which prohibits or discourages officers to include the names of two arrestees in one form for the same offense against the same victims. Department training records do not and should address this scenario during basic academy training.

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FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #2-3: The officer detained and handcuffed the complainant without justification.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/07 **DATE OF COMPLETION:** 03/23/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #4-5: The officer pat searched the complainant without cause.

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

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

SUMMARY OF ALLEGATION #6-7: The officer failed to issue a Certificate of Release.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/07 **DATE OF COMPLETION:** 03/23/07 **PAGE#** 3 **of** 3

SUMMARY OF ALLEGATION #8-9: The officer used unnecessary force during a detention.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/07 **DATE OF COMPLETION:** 03/19/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 15, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/07 **DATE OF COMPLETION:** 03/03/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer asked him to return keys to the residence. The landlord said the complainant had no right to the keys as he was supposed to move earlier than the date of this incident, and the complainant was physically moving property out. The complainant failed to submit necessary and essential information to substantiate his tenancy rights to this residence. The preponderance of the evidence established that returning the keys from a moving tenant was a logical and reasonable step to avoid a future unlawful entry in light of the unresolved property dispute. The officer's actions were lawful, reasonable, and proper under the circumstances.

SUMMARY OF ALLEGATION #2: The officer was selective in his enforcement.

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

FINDINGS OF FACT: The complainant said the officer was selective in his enforcement over what property items he could take. The preponderance of the evidence established that the officer would not allow property removal absent a court order. Absent such an order, the parties agreed to remove the undisputed property items. Therefore, the officer's actions were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/07 **DATE OF COMPLETION:** 03/20/07 **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:

Emergency Communications Department
C/O Custodian of Records
1011 Turk Street
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: 02/06/06 **DATE OF COMPLETION:** 03/26/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated an unknown officer told her it was not her business when she approached the officer, who told her that she needed to go away. The complainant also stated that she walked past the officer toward a third officer to explain her situation and was stopped and detained by the officer who pushed her back by both shoulders. The officer said he warned the complainant multiple times to step back, but she persisted and attempted to run past him toward her boyfriend who was in custody being placed inside a police wagon. The preponderance of the evidence established that the complainant disregarded the officers' multiple commands to stand back while two unruly crowds were being separated and people were being taken into custody. The officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer handcuffed her while she was on the ground holding her head. The officer could not recall handcuffing the complainant and said he would not have handcuffed the complainant based on the facts of this incident. Although there were conflicting statements about whether or not the complainant was handcuffed, medical evidence established that the complainant was received in handcuffs at the ambulance. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/06 **DATE OF COMPLETION:** 03/26/07 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated an unidentified officer and the officer named told her to go away and when she walked past the officer, he grabbed her by the neck and threw her to the ground hitting her head against the pavement. The officer denied the allegation and said that after the complainant was warned multiple times to step back, she ran full speed trying to run pass him. The officer also stated he stepped in front of the complainant, and the complainant ran into his open palms, fell backwards, and hit her head on the ground. The preponderance of the evidence established there are conflicting statements among witnesses as to the type and degree of force used upon the complainant. Some witnesses stated that the force used was excessive under the circumstances and others denied the officer grabbed the complainant by the neck or threw her to the ground. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/06 **DATE OF COMPLETION:** 03/31/07 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers conducted a traffic stop without justification.

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

FINDINGS OF FACT: The complainant stated that the officers told him that he was stopped for running a stop sign. The officers stated that the complainant was stopped for impeding the flow of traffic. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/06 **DATE OF COMPLETION:** 03/31/07 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #4-5: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested for carrying a loaded firearm and for carrying a concealed firearm. Office of Citizen Complaint's investigation established that the officers properly booked the complainant for carrying a loaded firearm, but incorrectly booked the complainant, a security guard who had a permit to carry a firearm, for carrying a concealed firearm. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the officer used excessive force in handcuffing him. Office of Citizen Complaint's investigation established that the complainant was handcuffed by the officer's partner. The evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/06 **DATE OF COMPLETION:** 03/31/07 **PAGE#** 3of 4

SUMMARY OF ALLEGATIONS #7-8: The officers conducted an improper search and seizure.

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

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

SUMMARY OF ALLEGATIONS #9-10: The officers failed to properly process and secure complainant's personal property.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/06 **DATE OF COMPLETION:** 03/31/07 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #11: The officer failed to take required action.

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

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

SUMMARY OF ALLEGATION #12: The officer failed to provide the complainant with a copy of an Incident Report.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/07 **DATE OF COMPLETION:** 03/05/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to follow proper procedures regarding vehicle releases.

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

FINDINGS OF FACT: The evidence established that the officer complied with standing policy regarding vehicle releases as delineated under DGO 9.06 and Section 14602.8(g)(2) of the California Vehicle Code. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/07 **DATE OF COMPLETION:** 03/17/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer could not recall the incident in question. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer could not recall the incident in question. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/07 **DATE OF COMPLETION:** 03/17/07 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The officer could not recall the incident in question. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer could not recall the incident in question. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/07 **DATE OF COMPLETION:** 03/17/07 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The officer could not recall the incident in question. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/07 **DATE OF COMPLETION:** 03/31/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/06 **DATE OF COMPLETION:** 03/22/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/07 **DATE OF COMPLETION:** 03/03/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was in need of emergency mental health assistance and he called 911. When the police responded to his residence, the complainant told the officer that he was depressed due to a lack of medication and that he might hurt himself. The officer detained the complainant and took him to the hospital for involuntary psychiatric evaluation despite the complainant's objections. According to the complainant, the officer had a duty to inform him before questioning that his honest answers might result in the said detention. The OCC found that, while checking on wellbeing or conducting psychological evaluation of adults, an officer does not have a duty to inform a person beforehand that his truthful and honest responses to the officer's questions might result in the detention for the purpose of providing psychiatric evaluation and treatment. The evidence proved that the act, which provided the basis for the allegation, occurred however, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer subjected the complainant to the involuntary psychiatric evaluation detention without cause.

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

FINDINGS OF FACT: The complainant stated he was in need of emergency mental health assistance and he called 911. When the police responded to his residence, the complainant told the officer that he was depressed due to the lack of medication and that he might hurt himself. The officer detained the complainant and took him to the hospital for involuntary psychiatric evaluation despite the complainant's objections. The OCC found that, given specific circumstances of this incident, the officer's actions were proper and consistent with the Department Policy on Psychiatric Evaluation of Adults.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/26/07 **DATE OF COMPLETION:** 03/05/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Unwarranted Action for issuing citations without cause.

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

FINDINGS OF FACT: The complainant admits the acts for which he was cited. He admits in letters and in an Office of Citizen Complaints interview that he left his taxi unattended in a taxi stand at San Francisco Airport to use the restroom. Leaving a taxi unattended in a taxi stand is prohibited by San Francisco International Airport regulation 1.4.7.D.6 (c). The rule does not make any exceptions, not even for "personal necessity." The citations were issued for violating this regulation. The evidence shows that the act which provided the basis for the allegation occurred, however, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/26/07 **DATE OF COMPLETION:** 03/17/07 **PAGE# 1 of 1**

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

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

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

SFPD Management Control Division
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/07 **DATE OF COMPLETION:** 03/17/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant stated that an officer cited him for vending without a permit without cause on a specific date.

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

FINDINGS OF FACT: The complainant admitted vending without a permit. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The complainant stated various officers wrongfully accused him of being a sex offender, when evidence existed to the contrary

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

FINDINGS OF FACT: The Office of Citizen Complaints conducted a separate investigation and learned that the complainant is in fact a sex offender. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/07 **DATE OF COMPLETION:** 03/31/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant's vehicle was towed. The officer stated that he conducted an inventory search of the complainant's vehicle. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant was cited for expired registration, unlawful display of evidence of registration, and for failure to provide evidence of financial responsibility. OCC's investigation established that the officer had probable cause to arrest/cite the complainant for the above-mentioned violations. 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: 03/05/07 **DATE OF COMPLETION:** 03/31/07 **PAGE#** 2 **of** 2

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

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

FINDINGS OF FACT: The officer and her partner denied the allegation. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/07 **DATE OF COMPLETION:** 03/17/07 **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:

Emergency Communications Department
1011 Turk Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/07 **DATE OF COMPLETION:** 03/27/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/07 **DATE OF COMPLETION:** 03/19/07 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/07 **DATE OF COMPLETION:** 03/19/07 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/07 **DATE OF COMPLETION:** 03/19/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant raises matters outside OCC's jurisdiction.

The complaint has been referred to:
California Department of Corrections
Internal Affairs
P.O. Box 3009
Sacramento, CA 95812

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/07 **DATE OF COMPLETION:** 03/28/07 **PAGE# 1 of 1**

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/07 **ATE OF COMPLETION:** 03/22/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside Office of Citizen Complaints' jurisdiction.

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

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

San Francisco Sheriff's Department
25 Van Ness Avenue
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/07 **DATE OF COMPLETION:** 03/23/07 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
25 Van Ness Avenue
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/05 **DATE OF COMPLETION:** 03/21/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officer failed to properly investigate his claim that his girlfriend had stolen his computer. The complainant stated he showed the officer a receipt for the purchase of the computer. The investigation established that the complainant's girlfriend stated the complainant gave her the computer. The officer had no duty to investigate competing claims of property ownership, which is a civil matter.

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

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

FINDINGS OF FACT: The complainant stated the officer pat-searched him without cause. The officer stated complainant was pat-searched pursuant to arrest and transport, as required for officer safety.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/05 **DATE OF COMPLETION:** 03/21/07 **PAGE#** 2 of 2

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 he should not have been arrested. The complainant was arrested pursuant to a Private Person's Arrest.

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

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

FINDINGS OF FACT: The complainant stated the officer did not properly investigate his claim that his girlfriend had stolen his computer. The officer had no duty to investigate competing claims of property ownership, which is a civil matter.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/07 **DATE OF COMPLETION:** 03/31/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/07 **DATE OF COMPLETION:** 03/29/07 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/07 **DATE OF COMPLETION:** 03/31/07 **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:

San Mateo Sheriff's Department
400 County Center
Redwood City, CA 94603

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

FINDINGS OF FACT: The complainant stated the officers beat him for no reason. The officers denied the allegation. One witness said that one officer used a baton. Two other witnesses never saw a baton and stated that the complainant was not complying with the officers and resisted. The complainant's medical records diagnosis were not consistent with the complainant's description of being beaten. The complainant did not recall parts of the incident and did not say the officers beat him with a baton. The complainant stated that his girlfriend relayed to him what had occurred in the incident. There is insufficient evidence to establish the level of force necessary to subdue the complainant.

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

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

FINDINGS OF FACT: The complainant said the officer towed his truck even though his girlfriend was a licensed driver. The officer stated the complainant's girlfriend smelled of alcohol and did not release the vehicle to her because of this reason. One witness corroborated that the passenger seemed to be under the influence of something. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer exhibited inappropriate and threatening behavior

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

FINDINGS OF FACT: The complainant said the officers told his girlfriend to “shut-up or she will get the same treatment.” The officers denied the allegation. One witness said that during the incident the officers told her to “shut-up.” One witness did not hear all the conversation between the passenger and officers. Another witness did not hear the officers threaten the passenger or tell her to “shut-up”. This witness believed the officers were professional. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated she wanted the suspects arrested but when police arrived that officers told the individuals to go home. The officers denied the allegation. The witnesses and complainant failed to respond to the OCC and failed to provide required information to further the investigation. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated that one officer at the scene made an assumption that the complainant was intoxicated and told the paramedics. The complainant said another officer at the hospital was badgering her with questions without regard to the complainant's condition of not being able to breath. The officers denied the allegation. The paramedic report does not document that the complainant was intoxicated. The witnesses and complainant failed to respond to the OCC and failed to provide required information to further the investigation. There is insufficient evidence to prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer could not recall the incident in question. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer could not recall the incident in question. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer could not recall the incident in question. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #1: The officer failed to identify himself as a police officer.

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

FINDINGS OF FACT: The complainant said he is legally blind and no officer verbally identified himself as a police officer until the complainant was at the police station. The complainant was on probation at the time of his arrest with a warrantless search condition. The officer and a patrol special in uniform stated they faced the complainant while the officer in plainclothes was displaying his star outside his clothing, identified himself verbally as Police. The complainant was ordered to stop, and informed he was under arrest. Another officer from an elevated position could not verify or deny the allegation. Medical records established the complainant is legally blind. There were no other witnesses who could prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was attacked from behind and assaulted after he was taken to the ground without offering any resistance. The officer stated the complainant took a fighting stance and a fight ensued from a standing to a prone position on the ground where the complainant swung at him and a patrol special assisting him during the arrest. A patrol special verified the complainant violently resisted his arrest and denied excessive force was used to place him into custody. Another officer in an elevated position had a partially obstructed view but verified the complainant took a fighting stance and then the officer and the patrol special took him to the ground by force. Medical records show the complainant sustained minor abrasions to the front of the head consistent with injuries likely to be sustained during an altercation, and not blunt trauma to the rear of the head as alleged. There were no other witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used excessive force while in custody.

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

FINDINGS OF FACT: The complainant stated that he lost sight while inside the transport vehicle and an officer involved in his transport purposefully bent his fingers while escorting him into the station. All officers suspected of being involved in the complainant's transport denied the allegation and also denied being involved in his transport. There is insufficient evidence to name a specific officer to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he believed he told one of the arresting officers after he was inside the station that he needed medical attention and the unidentified officer mocked him. All officers involved in the complainant's arrest or transport denied the allegation. There are no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officers failed to provide prompt medical attention.

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

FINDINGS OF FACT: The complainant stated after he was inside the station he told whom he believed to be one of the arresting officers and later the officer who walked him to County Jail that he needed medical attention. One of the arresting officers was a patrol special working in uniform. The arresting officer denied any request by the complainant for medical attention in the station, and the officer who walked him to County Jail could not recall whether he told the complainant that he was ending his shift in half an hour, but stated that unless the injury is obvious he defers to the judgment of County Jail nurses. With the exception of the complainant's undetectable legal blindness, the injuries were not in obvious need for transport to a hospital. County Jail records established that the complainant was medically rejected for a combination or reasons. 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 ALLEGATIONS #1-4: The officers used unnecessary force on the complainants.

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

FINDINGS OF FACT: The complainants stated officers used unnecessary force on them. The complainants stated they were struck, pushed, grabbed, and stomped upon by the officers for no reason. The officers stated the complainants were not cooperative and resistive. The witness did not cooperate at this time. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #5: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The officer is no longer with the department and not subject to discipline.

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SUMMARY OF ALLEGATIONS #6-8: The officers arrested the complainants without cause.

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

FINDINGS OF FACT: The complainants stated they should not have been arrested. The complainants stated they did not commit domestic violence. The officers stated they saw the complainants repeatedly strike another person. The witness did not cooperate at this time. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer is no longer with the department and not subject to discipline.

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to take a report.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer failed to prepare an Incident Report by the end of her shift in compliance with DGO 1.03, basic academy training, and the conduct was therefore improper.

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

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer failed to photograph a victim's visible injury and book it as evidence related to a battery by the end of her shift in compliance with DGO 1.03, basic academy training, and the conduct was therefore improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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 #3: The officer failed to provide required information.

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

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

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

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

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

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SUMMARY OF ALLEGATIONS #5: The officer 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 ALLEGATIONS #6: The officer threatened the complainant.

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

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

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SUMMARY OF ALLEGATION #7: The officer used force during the arrest.

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

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

SUMMARY OF ALLEGATION #8: The officer displayed an intimidating manner.

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

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

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

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

FINDINGS OF FACT: The officer was asked to respond to the complainant's residence to ask a friend to leave. The complainant alleged that when the officer arrived on the scene, the officer began searching his residence without the complainant's permission. The officer denied the alleged search. A witness corroborated that the officer did in fact conduct a search of the residence without the complainant's consent. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officer failed to take any action to stop an improper search of the complainant's residence. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to take his complaint. The officer stated that he offered to fill out the complaint form for the complainant, but the complainant refused. The officer stated that the complainant wanted to fill out the form himself. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

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

SUMMARY OF ALLEGATION #4: The officer threatened the complainant with Mace.

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

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

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

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

FINDINGS OF FACT: The complainants said the officers detained them for no reason. The officers stated that the complainant's vehicle was blocking the access ramp on the corner of the intersection. The officers said that the co-complainant was stepping off the curb after being told several times to get on the sidewalk. One witness said the complainant was parked at corner of the intersection and that the co-complainant was on the street but there was no traffic. The officers had the authority to detain the complainants for investigation per DGO 5.03.

SUMMARY OF ALLEGATIONS #3-5: The officers exhibited inappropriate behavior and inappropriate comments.

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

FINDINGS OF FACT: The complainants stated that the officers exchanged heated words with them and bragged about slamming women. The officers denied the allegation. The witness said she went to the store and when she came back the police were already talking to both complainants. The witness did not hear the officers use profanity during the incident. There were no other witnesses.

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SUMMARY OF ALLEGATIONS #6-9: The officer used excessive force at the scene.

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

FINDINGS OF FACT: The complainants said they were thrown to the ground. The officers denied the allegation. One witness said that she was inside the vehicle when she saw the complainants go to where Officers were detaining the co-complainant and she could not see so she climbed out of the car window. When the witness got out of the window she saw both complainants on the ground. The complainant admitted that she hopped over and in between the co-complainant and officer when she was brought to the ground. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATIONS #10: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The complainants stated the handcuffs were so tight her wrist bled. The officers did not recall who did the handcuffing however; one officer stated he loosened the handcuffs at the scene. Also, co-complainant stated that while at the station she was complaining that the handcuffs were tight but an officer did not pay attention to her so she started to click on the handcuffs against the bench by banging them on the bench just to make a ruckus. None of the officers recalled seeing any blood. The photos taken a month after the incident showed a slight mark. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #11-12: The officer used profanity.

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

FINDINGS OF FACT: Complainant stated that she told one officer that her foot was broken and he responded with profanity. The officer denied the allegation. The witness did not see this portion of the incident and in the portion that she did witness she did not hear profanity. There were no other witnesses.

SUMMARY OF ALLEGATIONS #13-14: The officers searched the complainants at the scene without cause.

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

FINDINGS OF FACT: The complainant said she was searched at the scene. The officer stated the complainants were searched prior getting into the wagon. The officers have authority to search persons that are being transported.

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SUMMARY OF ALLEGATION #15: The officer towed the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the vehicle was towed for no reason. The officer stated the complainant's license was suspended. The officer had the authority to tow the vehicle according to California Vehicle Code 14601.1 (a). Also, the complainant stated she did not have her license with her.

SUMMARY OF ALLEGATION #16: The officer arrested the complainants without cause.

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

FINDINGS OF FACT: The complainants stated they were arrested for no reason. The officers stated the complainants were taken to the station to confirm their identity since neither had identification. The officers stated the complainants were cited and released at the station. The officers had the authority to transport the complainants for further investigation and to cite and release them per DGO 5.03.

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SUMMARY OF ALLEGATION #17: The officer searched the complainants twice at the station without cause.

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

FINDINGS OF FACT: The co-complainant said she was searched twice at the station. One officer stated that the complainants were searched incident to arrest, then upon entering the station, and again because an officer believed that the co-complainant was going to be booked. The officer stated she recalled pat searching the complainant and co-complainant upon entering the station. There were no other witnesses.

SUMMARY OF ALLEGATION #18: The officer issued citations without cause.

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

FINDINGS OF FACT: The co-complainant stated she was cited for stepping off the curb, delaying, and resisting. The complainant said she was cited for suspended license, no proof of insurance, no plates, and resisting. The complainant's license was suspended and car had no plates. The co-complainant admitted to being on the street but there was no traffic and the complainant admitted to stepping back when an officer asked for her identification. The co-complainant also admitted to pulling away from the officer when he grabbed her arm. The witness saw when the complainant approached the co-complainant and the officer detaining the co-complainant. The complainant admitted she was put herself between the officer and the co-complainant.

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SUMMARY OF ALLEGATION #19: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated the officer wrote on the citation that she refused to provide a telephone number and, when she gave him a number he wrote it at the citation's top but did not scratch out "refused" on the citation. The officer stated the complainant initially refused to provide number and then she changed her mind and provided her number. The officer said he did scratch out refused and wrote the number above. A copy of the citation provided along with the Incident Report shows that "refused" was scratched out and the number was written on top of the citation.

SUMMARY OF ALLEGATION #20: The officer wrote an inaccurate and incomplete Incident Report.

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

FINDINGS OF FACT: The complainant stated that four officers were in a burgundy car, while the Incident Report stated it was a marked unit. The description of the vehicle that the officer described was accurate because the named member was in a black and white marked police car. The back up units that responded to the scene were unmarked silver and burgundy police vehicles.

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ADDED ALLEGATIONS:

SUMMARY OF ALLEGATION #1: The officer failed to report mileage for transport of female prisoners.

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

FINDINGS OF FACT: The CAD print out did not show starting or ending mileage for transport of the complainant and co-complainant. The officer stated that she was not familiar with DGO 2.01 Rule 36 and need to refresh her memory. The officer stated that she thought that she did report starting and ending mileage but is not sure. The officer acknowledged that the CAD did not show the mileage and said there is a possibility that she provided the information and that it was not reflected in the CAD. The CAD recording does not indicate anyone reporting mileage from the scene to the station. Therefore, it more likely than not that the officer failed to provide mileage information to ECD and violated DGO 2.01 Rule 36.

SUMMARY OF ALLEGATION #2: The officers failed to report a use of force.

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

FINDINGS OF FACT: The Use of force log did not have an entry. The officers denied using reportable force. One officer stated that he used a rear leg sweep, which is a department approved control. The sergeant at the scene said he asked the complainants and officers if they were hurt and they did not complain of pain or injury. One witness saw that co-complainant had blood in her mouth but was swallowing the blood. The witness did not know if the co-complainant had complained of pain to the officers.

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

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

FINDINGS OF FACT: The complainant stated that she was arrested for driving without a license and for possession of drugs. The complainant said she did have a rock of cocaine in her backpack but denies that she was driving. The officer denied the allegation. One witness said the car was parked and the complainant did not move the car. The complainant's mother said she drove the car and parked it. One witness did not respond for interview. Given the witness statements as to the complainant not driving in the first place, the officer did not have reasonable suspicion to detain the complainant upon finding she had a suspended license because she was not driving. The officer engaged in misconduct and violated DGO 2.01 by trying to justify his actions leading to the complainant's arrest by saying he saw her backing up.

SUMMARY OF ALLEGATION # 2: The officer searched the complainant and friends without cause.

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

FINDINGS OF FACT: The complainant said the officer asked her and passengers to step out of the car and searched everyone. The officer did not recall doing pat searches on the individuals and said he knows the complainant was searched at the station. One witness did not recall being searched. One witness did not respond for an interview. Given witness statements as to the complainant not driving in the first place and DGO 5.03, the officer did not have reasonable suspicion to detain the complainant leading to unlawful search.

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

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

FINDINGS OF FACT: The complainant stated the officer searched the car even though she had not been driving. The officer denied the allegation. Two witnesses said the car was parked and complainant did not move the car. The complainant's mother said she drove the car and parked it. One witness did not respond for interview. Given the witness statements as to the complainant not driving in the first place and DGO 5.03, the officer did not have reasonable suspicion to detain the complainant leading to unlawful search of the vehicle.

SUMMARY OF ALLEGATION # 4: The officer towed the vehicle without cause.

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

FINDINGS OF FACT: The complainant said she was not driving the car. The officer denied the allegation. Two witnesses said the car was parked and complainant did not move the car. The complainant's mother said she drove the car and parked it. One witness did not respond for interview. Given the witness statements as to the complainant not driving in the first place and DGO 5.03, the officer did not have reasonable suspicion to detain the complainant leading to unlawful tow of the vehicle.

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SUMMARY OF ALLEGATION # 5: The officer used profanity.

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

FINDINGS OF FACT: The complainant said the officer used profanity towards her during the incident. The officer denied the allegation. Two officers stated they did not hear the officer use profanity and stated their attention was with the passengers. One witness stated the officer used profanity during the incident. Another witness corroborated that the officer used profanity. The officer violated DGO 2.01 Rule 14. Public Courtesy.

SUMMARY OF ALLEGATION #6: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the officer lied by stating he observed her backing up the car because she was not driving the car. The officer denied the allegation. The complainant's mother stated that she drove the car and parked it. One witness said that when she and boyfriend got into the car that the car was parked and did not move. It is more likely than not that the officer misrepresented the truth thereby engaging in misconduct and violating DGO 2.01 Rule 9.

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SUMMARY OF ALLEGATION # 7: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the officer did not respond when asked why he was doing this. The officer denied the allegation. One witness did not recall if the officer mentioned that the car was going to be towed and the reason for the search. Another witness was not present when the detention, search and decision to tow was done. Another witness did not come forward. There is insufficient evidence to prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he had a red light on his kayak, which had strobe and solid capability. This type of equipment is prohibited on civilian marine vessels, per applicable law. The complainant stated that he had switched his light from strobe function, and then to solid function and then off, upon the officer's orders. He alleged that when he spoke to the officer during the contact, the encounter became hostile and he was subsequently detained by the named officer on a retaliatory basis, even though he had complied with the officer's orders. The officer denied the allegation, stating that the complainant had improperly used the prohibited equipment and the detention was proper. The witnesses interviewed by the Office of Citizen Complaints provided conflicting evidence with regard to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officer was verbally abusive to him. The complainant stated that the officer essentially "browbeat" him while he was detained. The officer denied the allegation. The witnesses interviewed by the Office of Citizen Complaints recalled that the officer was threatening, but failed to provide consistent specifics with regard to the allegation. There is insufficient evidence to either to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged the officer wrongfully threatened to arrest him for failure to present identification, have Animal Care and Control impound his dog, and seize his kayak. The officer denied the allegation. The witnesses interviewed by the Office of Citizen Complaints provided conflicting evidence with regard to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant alleged that as he was being detained in his kayak, another friend paddling in a neighboring kayak came over to see what was wrong or how if he could render aid. The officer ordered the onlooker to leave or face receipt of a citation. The officer denied the allegation. The witness stated that he stayed a safe distance away, but the officer had a threatening and unpredictable demeanor, that changed from one moment to the next. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer failed to issue the complainant a Certificate of Release.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to issue him a Certificate of Release, based on the length of time he had been detained. The officer denied that the complainant was denied for an excessive period of time. The witnesses interviewed by the Office of Citizen Complaints provided conflicting evidence with regard to the length of time the complainant was detained. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said that the officer told him that whenever he sees him he is going to say what's up and say something to him. The officer did not recall having contact with the complainant after the complainant's initial arrest. The witness did not come forward. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that an officer made physical contact with him so he pushed him back and the officer grabbed him and he grabbed the officer's shirt and a struggle began and he was beaten with a baton. The officer denied using excessive force. The officer stated the complainant was resisting and he only used the necessary force to take him into custody. The complainant admitted that he pushed the officer and was not complying with the officers orders. The witness did not respond to an interview. The CARC medical records were not released despite having a medical release and parental consent form. However, a Nurse Psych Tech at CARC reviewed the complainants medical/triage record and stated the complainant did not allege injuries. There is insufficient evidence to prove or disprove that the blood on his lips was due to the complainant's resisting or officer's use of force.

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

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

FINDINGS OF FACT: The complainant stated he was crossing the street and noticed an incident with a teen male and officers and he was merely observing. He said an officer told him “get on the sidewalk” and then he saw another teen male get into the incident and the officer stepped back and brushed against the complainant. The complainant admitted he then pushed off the officer and a struggle began. The officer stated the complainant was arrested because he punched him, was resisting, and not complying with commands. There is no dispute that the complainant pushed, made physical contact with the officer.

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

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

FINDINGS OF FACT: The complainant said that at the station he complained of pain to his back and lips but the officer did nothing. The officer denied the allegation. Per personnel at CARC, the complainant did not allege any injuries for this incident. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

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SUMMARY OF ALLEGATION #1: The officers failed to promptly respond and investigate the incident.

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

FINDINGS OF FACT: The complainant stated that his daughter was a victim of a sexual assault and she went to the hospital seeking medical assistance. The hospital staff notified the Communications which broadcasted this call for police services in the district where the alleged crime had occurred but no officer(s) responded to the hospital to take a report and to start the investigation for over an hour. The OCC found that the Department guidelines concerning the issues raised in this complaint were not sufficiently detailed, comprehensive or adequate.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to receive a private person's arrest.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officers entered the complainant's residence without cause.

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

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

SUMMARY OF ALLEGATIONS #2: The officers searched the complainant's residence without cause.

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

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

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

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

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

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

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

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

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SUMMARY OF ALLEGATIONS #5: The officers detained the complainant's son without justification.

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

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

SUMMARY OF ALLEGATIONS #6: The officers handcuffed the complainant's son without justification.

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

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

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SUMMARY OF ALLEGATION #7: The officers used inappropriate behavior and comments.

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

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

SUMMARY OF ALLEGATION #8: The officers failed to provide names and star numbers when requested.

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

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

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

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

FINDINGS OF FACT: The complainant said that the officer was unprofessional, not empathetic to the child and situation and used an intimidating and insensitive tone while interviewing the child who was a sexual assault victim. The complainant said the officer did not treat the situation with confidentiality. The co-complainant said her child informed her that the officer yelled at her during the interview. The co-complainant also said that after the officer interviewed the child, the officer did not inform her that her child had been sexually assaulted. The officer denied the allegation. The witnesses corroborated the complainant and co-complainant's version of events. The officer violated the DGO 2.01 regarding her behavior during this investigation.

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

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

FINDINGS OF FACT: The co-complainant stated the officer yelled at her daughter but that she could not understand the actual words because she does not speak English. The officer denied the allegation. Witnesses corroborated the officer's version of events. The OCC did not interview the victim. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that he was with a friend when he crossed Market Street outside a crosswalk and was struck by a car. The complainant stated that the officer who responded to investigate and who prepared the collision report failed to properly investigate the incident. The complainant stated that the officers spoke briefly to him at the scene before he was transported in an ambulance, but did not conduct a follow-up interview with him. The named officer stated that he obtained the necessary information for his report from speaking to the complainant and the driver at the scene, and stated that no other witnesses came forward. The complainant and a friend who was with him both stated that they saw the officer speaking to people gathered outside a nearby union hall. A witness who is member of that union and who called 911 stated that he was standing outside the union hall with several co-workers when the accident occurred, and that he did not see the actual impact, but saw the complainant flying through the air after he had been struck. This witness did not recall an officer questioning him, but acknowledged that his recollection had faded since this incident, and that an officer may have asked him and his colleagues whether they saw anything. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate / incomplete Incident Report.

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

FINDINGS OF FACT: The complainant stated that he was with a friend when he crossed Market Street outside a crosswalk and was struck by a car. The officer who responded to investigate and who prepared the collision report spoke to the complainant's friend and to individuals gathered nearby, but did not include any information concerning witnesses in his report. The complainant's friend stated that the officer interviewed him at the scene and asked for his driver's license and his name, address and phone number, and made notations in a small notepad. The complainant's friend stated that he told the officer what had happened, providing information about where the complainant crossed the street, the lane the vehicle that struck the complainant was traveling in, and how far the complainant traveled after being struck by the vehicle. The report prepared by the named officer did not include any information concerning witnesses, and stated that no independent witnesses were located. The named officer stated that he did not recall speaking to the complainant's friend, and stated that he did not speak to anyone other than the complainant and the driver because no one else came forward. A preponderance of the evidence established that the named officer spoke with and obtained identification information from the complainant's companion, who provided an eyewitness account of much of the incident. Department training and procedures concerning collision reports requires that identification information for witnesses be included in collision reports. The evidence established that the named officer failed to include relevant information in his collision report, and that the report inaccurately stated that no independent witnesses were located. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #1: The officer failed to prepare an accurate Traffic Collision Report

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

FINDINGS OF FACT: The complainant stated the officer misstated facts and was wrong to assign fault to the complainant in a Traffic Collision Report. The officer stated that the report was accurate. The other party to the collision stated the report was accurate. The OCC's review of the facts of the collision established that, more likely than not, the report was accurate.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS 1-2 The officers used unnecessary force.

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

FINDINGS OF FACT: The officers denied the allegation. The complainant did not respond to the OCC's requests for an interview.

OCC ADDED ALLEGATION

SUMMARY OF ALLEGATION #2: The officer failed to log the use of force.

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

FINDINGS OF FACT: Officers who had contact with the complainant denied using force causing complaint of pain. The complainant did not respond to the OCC's requests for an interview.

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION # 2: The officer racially profiled the complainant.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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SUMMARY OF ALLEGATION #3: The officer aimed his firearm at the complainant without justification.

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

FINDINGS OF FACT: The complainant withdrew his complainant.

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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SUMMARY OF ALLEGATION #5: The officer failed to issue a certificate of release.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

OCC Added:

SUMMARY OF ALLEGATION # 1: The officer failed to collect and enter traffic stop data.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers harassed her as she sat in her vehicle. The complainant stated she was not part of any criminal activity in the area. The officers stated they were investigating a drive by shooting incident. The officers stated the complainant's car matched the suspect's vehicle. There is no dispute the complainant's car's make, year, and color was similar to the suspect's vehicle. Furthermore, the complainant was in or around the area of the shooting incident. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The complainant stated the officers had a rude attitude or demeanor.

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

FINDINGS OF FACT: The complainant stated the officers laughed and giggled at her. The officers stated they did not laugh or giggle at her during the incident. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegations made in the complainant.

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

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

FINDINGS OF FACT: The complainant stated the officer did not keep her personal information confidential in the police report. The complainant admitted to having authorized the release of her personal information, and did not object to it until after the report was completed. The officer stated the complainant did not request to keep her information confidential in the Incident Report. There were no witnesses to the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer ignored a witness at the scene and did not investigate the accident properly. The officers denied the allegation. One witness said that he is not sure if on scene witnesses gave their information to the police because they seemed reluctant and were on lunch. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to record pertinent information and failed to list the complainant in the report as the victim and instead was found at fault. The officer stated that he wrote the report with the statement provided by the complainant to the other officer. The officer said he placed the complainant at fault because he was in violation of VC 2818. The other officer stated that the complainant never provided the pertinent information and only became aware of it when he read the complainant's narrative supplemental statement written two weeks after the incident. One witness refuted the complainant's account. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer yelled at him and believed the officer was racist. The officer denied the allegation. There were no witnesses to the crash or conversation between officer and complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said she was pulled over and the officers drew their weapons. The officer stated they drew their weapons because they believed the complainant was evading them and they were in a high crime area, and did not know who was driving. The complainant admitted that she did not stop immediately and said she kept driving because she was looking for a safe place to stop but when the officers flashed their lights again she just stopped. Two witnesses stated the officer pointed their weapon at the complainant. One witness did not respond for an interview. DGO 5.02 B. Drawing Firearms allows officers to draw weapons when they believe is reasonably necessary for their safety and safety of others. The DGO however, does not address the pointing of weapons. There is insufficient evidence to determine that the complainant was trying to evade police and that drawn weapons were or were not justified.

SUMMARY OF ALLEGATION #3-4: The officers racially profiled the complainant.

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

FINDINGS OF FACT: The complainant stated that the officers racially profiled her because they saw a black person driving. The officers denied the allegation. The officers stated that they did not see the complainant until they approached. There is insufficient evidence to determine that the officers engaged in racial profiling.

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

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

FINDINGS OF FACT: The named members contended that they took all necessary and reasonable steps to investigate this incident. The statement from one of the complainant's friends supported this assertion. The other friend of the complainant declined to provide an oral statement to the OCC. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named members denied the alleged misconduct and stated that they actually offered a citizen's arrest option to the complainant but he declined to sign a citizen's arrest form. One of the complainant's friends did not recall this aspect of the incident. The other friend declined to provide an oral statement to the OCC. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to provide name and star number upon request.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. His partner stated that he did not hear anyone requesting the name and star number at the scene of this incident. The officers' version of the incident differed from the one provided by the complainant. One of the complainant's friends did not recall this aspect of the incident. The other friend declined to provide an oral statement to the OCC. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The named member stated that his report accurately described the events of the incident. The officer's partner supported this statement. The officers' version of the incident differed from the one provided by the complainant. One of the complainant's friends did not recall this aspect of the incident. The other friend declined to provide an oral statement to the OCC. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-8: The officers acted inappropriately and engaged in selective enforcement of the law.

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

FINDINGS OF FACT: The named members denied the alleged misconduct. The officers' version of the incident differed from the one provided by the complainant. The statement from one of the complainant's friends supported the allegation in general but lacked in detailed corroboration. The other friend of the complainant declined to provide an oral statement to the OCC. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer made threatening comments.

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

FINDINGS OF FACT: The named member admitted making the comment attributed to him by the complainant but articulated a rationale and reasonable explanation for his words. The named member's partner stated that he did not hear the alleged threat. One of the complainant's friends did not recall this aspect of the incident. The other friend declined to provide an oral statement to the OCC. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/24/06 **DATE OF COMPLETION:** 03/03/07 **PAGE # 1 of 2**

SUMMARY OF ALLEGATION #1-2: The officer(s) arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant failed to provide an interview or information/evidence essential to a competent investigation of her OCC complaint.

SUMMARY OF ALLEGATION #3-4: The officer(s) made inappropriate comments and exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant failed to provide an interview or information/evidence essential to a competent investigation of her OCC complaint.

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SUMMARY OF ALLEGATION #5-6: The officer(s) exhibiting sexually derogatory behavior or making sexually derogatory comments.

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

FINDINGS OF FACT: The complainant failed to provide an interview or information/evidence essential to a competent investigation of her OCC complaint.

SUMMARY OF ALLEGATION #7-8: The officer(s) conducted an inappropriate strip search.

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

FINDINGS OF FACT: The complainant failed to provide an interview or information/evidence essential to a competent investigation of her OCC complaint.

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SUMMARY OF ALLEGATION # (1): The officer used excessive force during the detention.

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

FINDINGS OF FACT: The complainant said the officer rushed him and slapped a telephone from his hand. The officer and her partner denied the allegation and both said the complainant handed the telephone upon her request. Two witnesses on scene could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #(2): The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant was searched for incident to arrest for Domestic Violence. The victim of the Domestic Violence advised the officers that the complainant owned a firearm. The officer's actions were proper, lawful and justified.

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SUMMARY OF ALLEGATION # (3) The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant was arrested for Domestic Violence. The complainant was handcuffed pursuant to Department Policy. The officer's actions were justified and consistent with Department Policy.

SUMMARY OF ALLEGATION # (4-5) The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers' arrest for Domestic Violence battery was based on sound probable cause and their arrest was therefore, lawful and proper.

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SUMMARY OF ALLEGATION #(6): The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer referred to him as a bad guy while talking to his partner. The officer denied the allegation. Neither the officer's partner nor two other witnesses on scene could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #(7): The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officer took some of his rental receipts and a small digital voice recorder, which were unaccounted and missing. The officer and her partner denied the allegation, and referred to the property receipt for the items taken. The property receipts do not include specific items inside the backpack or a recorder. Other witnesses involved in the arrest could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #(8): The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officer failed to properly investigate by contacting the emergency communications division that he had called for assistance before the officer's arrival. Department records show that the only call for service was the 911 call placed by the victim of the complainants Domestic Violence assault. The officers' actions were lawful and proper.

SUMMARY OF ALLEGATION #(9): The officer failed to provide the Miranda advisement.

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

FINDINGS OF FACT: The complainant stated the officer did not provide him a Miranda admonishment prior to questioning at the station. The officer and her partner stated that the officer provided the complainant with a Mirandia admonishment so that he could tell his side of the story, and write a statement, which he did. The admonishment was not recorded and the officer said she was not required to do so. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #(10-11):The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officers denied the allegation and there were no witnesses who could verify or deny the allegation. The officer's supervisor could not recall if the complainant reported the search or if the officers mentioned having searched the residence. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #(12): The officer failed to receive a citizen complaints.

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

FINDINGS OF FACT: The complainant said he reported to the supervising officer, two of her subordinate officers for their attitude and inappropriate search of his residence. The complainant further stated the supervising officer told him she would get back to him but never did. The supervising officer stated that she had no recollection of a telephone conversation and would not refuse to receive a citizen complaint. There were no witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #(13-16): The officers used inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant stated the officers were unprofessional in their interactions with him and treated him like a criminal rather than a reportee. The officers denied the allegation and stated that they were professional with the complainant in taking his statement or report. There is no independent witness who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # (17) The officer failed to receive a citizen's complaint.

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

FINDINGS OF FACT: The complainant stated he went to the officer's office to report misconduct by several officers working at Taraval Police Station and his misplaced work identification. The complainant said he left with the impression that the officer would take charge of his complaint and follow through. The officer denied receiving a negative report or complaint from the complainant, who did not want to discuss his arrest, but to have his work identification returned to him. The officer further stated that he offered to take a complaint, but that the complainant refused. There were no witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # (18): The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officer incorrectly arrested him since his arrest charges were dismissed, and the restraining order was therefore no longer valid. The officers stated that he responded to a call by the victim of an emergency protective order still in effect and found the restrained person inside the residence where he was supposed to stay away from. The officer further stated that the victim as well as the property owner requested the enforcement of the order, which he confirmed was still in effect for three more days. The officer's actions were therefore lawful and proper.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer ordered him to leave the park, but he was not doing anything wrong. He said he was lying down on his blanket eating a chocolate. The officer stated she was dispatched to respond to calls from people complaining of homeless people camping at the park. The CAD indicates that there were calls from citizens complaining about the encampment. The complainant was sleeping in the area of an illegal encampment.

SUMMARY OF ALLEGATION #2-3: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers beat him for no reason and struck him with handcuffs on the cheek, causing him to lose consciousness. The officers denied the allegation. There is insufficient evidence to determine that the officers used more force than necessary to overcome the complainant's resistance. There were no witnesses. The medical records document that the complainant reported being assaulted by police, that he was forcibly restrained, and that he offered resistance. There is no documentation that the complainant lost consciousness. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he was cited for assaulting the officer and resisting, which he denies. The officer stated the complainant kicked her and the complainant resisted arrest. The complainant was additionally cited violation of PC 148.0 for which there is no dispute.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers made contact with the complainant in response to a dispatched call. The interaction involved an interview and well-being check on the inside of the complainant's residence, which he consented to. The only officer specifically identified has been named. No other officer was specifically identified by the complainant nor identified as having been involved in detaining the complainant. The actions of the officers were justified, lawful and proper.

SUMMARY OF ALLEGATIONS 3 and 4: The officers exceeded the scope of the search.

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

FINDINGS OF FACT: The officers who identified themselves as having entered the residence denied the allegation. The other officers on-scene denied participating in a search of the residence. The one witness in the residence at the time of the incident did not respond to the OCC's request for an interview. There is insufficient evidence to identify the unknown officer and to reach a definitive finding.

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SUMMARY OF ALLEGATION 5: The officer made inappropriate comments.

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

FINDINGS OF FACT: The investigation was unable to conclusively identify the unknown officer however, the alleged question made by the unknown officer was not inappropriate.

SUMMARY OF ALLEGATION 6: The officer made inappropriate comments.

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

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

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

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

FINDINGS OF FACT: The named members denied the alleged misconduct. The officers' version of the incident differed from the one provided by the complainant. The passenger in the complainant's car at time of this incident did not respond to the Office of Citizen Complaints requests for an interview. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-6: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The named members denied the alleged misconduct concerning the complainant's arrest. The officers' version of the incident differed from the one provided by the complainant. The passenger in the complainant's car at time of this incident did not respond to the Office of Citizen Complaints requests for an interview. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer queried information on the passenger in the complainant's vehicle without justification.

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

FINDINGS OF FACT: The named member acknowledged requesting identification from the passenger and articulated plausible explanation for this action. Two other officers involved in the incident corroborated this statement. The officers' account of this police contact differed from the complainant's version of the occurrence. The passenger in the complainant's car at time of this incident did not respond to the Office of Citizen Complaints requests for an interview. There were no other witnesses to the event. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer handcuffed the passenger in the complainant's vehicle without justification.

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

FINDINGS OF FACT: All three officers involved in the incident denied handcuffing the passenger during this police contact. This passenger did not respond to the Office of Citizen Complaints request for an interview in connection with the incident. There were no other identifiable witnesses to the event. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer strip-searched the complainant without cause

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

FINDINGS OF FACT: The named member acknowledged conducting the complainant's strip-search and articulated plausible explanation for the police action. Two other officers involved in the incident corroborated this statement. The officers' account of the event differed from the one provided by the complainant. The passenger in the complainant's car at time of this incident did not respond to the Office of Citizen Complaints requests for an interview. There were no other witnesses to the alleged misconduct. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The named member acknowledged seizing marijuana from the complainant during the search and articulated plausible explanation for the police action. Two other officers involved in the complainant's arrest corroborated this statement. The passenger from the complainant's car did not respond to the Office of Citizen Complaints requests for an interview. There were no other identifiable witnesses to the alleged police misconduct. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer failed to comply with the Department Bulletin #05-80.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. Two other officers involved in the complainant's arrest corroborated this statement. The passenger in the complainant's car at time of this incident did not respond to the Office of Citizen Complaints requests for an interview. There were no other identifiable witnesses to the alleged misconduct. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #12-14: The officers engaged in a pattern of harassment against the complainant.

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

FINDINGS OF FACT: The named members denied the alleged misconduct. The passenger in the complainant's car did not respond to the Office of Citizen Complaints request for an interview. There were no other identifiable witnesses to the alleged misconduct. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers refused to allow him to make a citizen's arrest. The officers stated they accepted a citizen's arrest form from the complainant and booked the complainant's assailant. The officers acted properly.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer(s) harassed the complainant without justification

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

FINDINGS OF FACT: The complainant stated she has done too much time in jail because of the actions of San Francisco Police Department officers. Arrest and court records show that the complainant has engaged in numerous illegal activities and has repeatedly failed to comply with court orders.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The investigation was unable to identify the officer responsible for the alleged inaction.

SUMMARY OF ALLEGATION #2: The officer failed to take the required action.

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

FINDINGS OF FACT: The complainant and witness said the officer refused to receive a citizen's arrest or generate a police report despite their insistence that he do so. The officer admitted that the complainant was reporting a crime for which there was sufficient evidence including an admission by the offending party. The officer's contention that the parties withdrew their request for a report is not supported by the evidence and moreover, is irrelevant based on the applicable Department General Order and Department Bulletin. The officer failed to take the required action.

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

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

FINDINGS OF FACT: The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-6: The officers made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that both the arresting and transporting officers made inappropriate comments to him and offered him a “deal” to admit to criminal activity in exchange for the dropping of a theft charge. The named officers denied the allegations. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-10: The officers failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The named officers denied the complainant requested an arrest. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #11-12: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The named officers denied the allegations. Two witness officers stated that they did not investigate the case, and only transported the complainant. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #13-14: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the arresting officers failed to investigate a battery that they saw. The officers stated that they observed a slap but determined after an investigation that it was a bystander's attempt to stop a fleeing felon. Department records included references to the slap but did not provide the named officers' conclusions about their investigation. The bystander and another witness did not come forward. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainants said the officers used unnecessary force with batons during the arrest of a homeless man. One complainant said the arrestee did not resist; whereas, the co-complainant said he did, but assumed physical control would have been sufficient to accomplish custody.

OCC attempts to interview other witnesses on scene, including the arrestee, were unsuccessful.

The officers denied the allegation and stated that their use of force was consistent with department training and policies. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated that when they asked for the officer's name and star number, he shoved his star within inches from the complainant's face in a threatening manner.

The officer denied the allegation and stated that he verbally provided his star number as he was getting into his vehicle. A witness on scene denied the allegation, and two other witnesses on scene either did not recall or did not observe the alleged act. OCC attempts to interview other witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 4-5: The officers failed to promptly and/or politely provide his/her name and star number.

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

FINDINGS OF FACT: The complainants stated that they asked an arriving supervisor for the names and star numbers of the arresting officers and waited fifteen minutes while an arresting officer briefed the supervisor. One complainant stated the supervising officer released the information to them shortly thereafter, and the arresting officer only displayed his star number. The officers denied the allegation and the supervising officer said she provided the complainant with the requested information. One witness said he stepped back from the scene and did not hear the conversation between the supervising officer and civilians. Another witness on scene stated all the officers provided their names and star numbers as requested by two unknown citizens. Another witness on scene could not verify or deny the allegation. OCC attempts to interview other witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated that the officer failed to receive their citizen's complaint on scene and flung multiple complaint forms at them. The officer denied the allegation, said she offered to take their complaints at the station, but that the complainants wanted to write them themselves. Therefore, the officer said she provided the complainants with multiple forms as soon as an officer brought them from the station to the scene. A witness on scene denied the allegation and recalled the officer offering to take complaints from several citizens and requesting to either fill the forms out with the complainants on scene or at the station. Three other witnesses on scene could not verify or deny the allegation. OCC attempts to interview other witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he asked the officer to include the words unnecessary force in the police report to describe his observations of the acts by the arresting officers. The officer said he does not remember the complainant asking him to use the words unnecessary force. There were no witnesses on scene to this conversation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/28/06 **DATE OF COMPLETION:** 03/03/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The officer denied the allegation. The witness/victim did not respond to the Office of Citizen Complaints requests for an interview. According to the witness/victim's statement provided to the San Francisco Police Department, the complainant attacked him without provocation. The second officer on the scene stated that the complainant was the dominant aggressor, therefore he was the party arrested. Department General Orders related to domestic violence required that the officers make an arrest. However, the evidence is inconclusive as to who should have been arrested.

SUMMARY OF ALLEGATION #2: The officer failed to complete an accurate report.

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

FINDINGS OF FACT: The complainant stated the officer neglected to include exculpatory information in his report. The officer denied the allegation. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 08/23/05 **DATE OF COMPLETION:** 03/05/07 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION 1 & 2: Unwarranted Action for an arrest without cause.

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

FINDINGS OF FACT: No other officers were identified by the complainant. The named officer denied this allegation in his response to Office of Citizen Complaints questioning. The witness has a different version of the events leading to the arrest than the complainant, and does not corroborate either the complainant or the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION 3 & 4: Unnecessary Force for force used during the arrest.

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

FINDINGS OF FACT: No other officers were identified by the complainant. The named officer denied this allegation in his response to Office of Citizen Complaints questioning. The witness has a different version of the events leading to the arrest than the complainant, and does not corroborate either the complainant or the officer. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION 5: Unnecessary Force for force used at the station/garage.

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

FINDINGS OF FACT: The complainant did not provide useable evidence of alleged injuries. The officer denied this allegation in his response to Office of Citizen Complaints questioning. The witness does not corroborate the allegations of force as alleged. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION 6: Conduct Reflecting Discredit for inappropriate comments and behavior.

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

FINDINGS OF FACT: The officer denied this allegation in his response to Office of Citizen Complaints questioning. The witness states that the officer and the complainant talked extensively, but he did not hear the entire conversation. He did not corroborate the complainant's version of the officer's behavior. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION 7: Discourtesy for profanity.

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

FINDINGS OF FACT: The officer denied this allegation in his response to Office of Citizen Complaints questioning. The witness states that he did not hear or recall the entire conversation between the complainant and the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION 8: Neglect of Duty for failure to properly process property

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

FINDINGS OF FACT: The officer denied this allegation in his response to Office of Citizen Complaints questioning. The witness stated that officer gave the part of the disputed property back to the complainant and does not know what happened to the other part. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 09/11/06 **DATE OF COMPLETION:** 03/28/07 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer failed to return her property. The investigation established that the officer did return the complainant's property.

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

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

FINDINGS OF FACT: The officer admitted to the conduct upon which the allegation was based. By a preponderance of the evidence the conduct was improper.

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SUMMARY OF ALLEGATION #3:The officer used profanity.

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

FINDINGS OF FACT: The investigation was unable to identify the member responsible for the alleged conduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officer drove inappropriately.

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

FINDINGS OF FACT: Department General Order 5.06 outlines officer responsibility when involved in a pursuit. The evidence gathered during the investigation revealed the officer properly followed the rules of the applicable DGO. The evidence showed the officer viewed a suspect assault another officer and then nearly rammed his vehicle into the named officers car as the suspect attempted to flee. This gave the officer probable cause to pursue a fleeing felon in a reasonable manner. The officer properly made all notifications through dispatch, requested a supervisor and called out a Code 3. The officer turned on his siren as evidenced by the background noise on the dispatch tape. The officer maintained control of his vehicle and weighed the safety of the pursuit. The evidence showed that the officer acted properly and according to department policy and procedure.

SUMMARY OF ALLEGATION :

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers exhibited rude behavior.

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

FINDINGS OF FACT: The complainant stated that the officers she dealt with were rude and that officers should not be talking rude to members of the public regardless of their history. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers need training in customer service and that some one should be answering the 1-800 number and returning calls in a timely fashion. The captain stated that individuals must contact the Narcotics Division by telephone at either 970-3000 or 1-800 272-2548 and provide the case or court number to the releasing officer. The captain stated the 1-800 line serves two functions: (1) anonymous tips regarding drug deals, and (2) retrieving property. The captain stated calls are received either by voice mail and calls are returned during business hours or an officer answers. One officer stated he was not trained in the use of the 1-800 number and was only aware that number is used for anonymous tips in drug dealings. The investigation showed that not all officers know that the 1-800 number has two functions.

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DATE OF COMPLAINT: 08/29/05 **DATE OF COMPLETION:** 03/03/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-5: The officers entered and searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched her residence without cause. The officers stated that they were conducting a probation search. The subject on probation who allegedly told the officers that he lived at the complainant's address is deceased. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer misused his/her police authority.

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

FINDINGS OF FACT: The complainant alleged that the police planted the evidence found in her residence during a search. The officers who conducted the search denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to follow “knock-notice” requirements.

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

FINDINGS OF FACT: One officer stated he knocked on the door several times and got no response. His partner also stated the officer knocked on the door several times and waited 10-15 seconds for a response. A witness stated she did not hear the officers knock on the door before they opened the door. There were no other witnesses and no additional evidence to further prove or disprove these allegations.

SUMMARY OF ALLEGATIONS #3-4: The officers entered and searched the complainant’s residence without cause.

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

FINDINGS OF FACT: Both officers stated they arrested the complainant’s father and the complainant’s father gave them keys to the apartment and verbal consent to search his residence. Both officers stated the complainant told them they could not search the apartment without a search warrant. Both officers stated the complainant eventually gave the officers consent to search the area where the complainant’s father slept. Searching a residence without consent, a search warrant or exigent circumstances is unlawful. The complainant’s consent was given unwillingly under pressure and is therefore invalid. The allegations are sustained.

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

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

FINDINGS OF FACT: The complainant said she was falsely assumed to be underage and drunk in public. The officer denied the allegation. The complainant did not respond for an interview nor provide additional information.

SUMMARY OF ALLEGATION #2: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant said that the officer did not identify himself and explain why she was detained/arrested. The officer denied the allegation. The complainant did not respond for an interview nor provide additional information.

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SUMMARY OF ALLEGATION #3: This allegation raises matters outside OCC'S jurisdiction.

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

FINDINGS OF FACT: This allegation has been referred to the appropriate agency.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to accept a complaint.

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

FINDINGS OF FACT: The complainant stated the officer did not accept a complaint. The complainant further added the officer did not have complaint forms with him but he did offer to go to the station, obtain the forms and bring them to the scene and also advised her she could go to the station to make the complaint. The complainant stated she could not wait and would file a complaint at the station the following day. The officer stated he did not have forms with him but offered several alternatives including going to the station to get the forms, meeting the complainant at the station to take the complaint, take the complaint in his notebook and later transfer it to the citizen complaint form and advised her of Office of Citizen Complaints location. There is no requirement that officers carry citizen complaint forms with them. Pursuant to DGO 2.04 the officer encouraged the filing of the complaint and attempted to assist the complainant to file the complaint. The encounter ended when the complainant stated she needed to leave the scene and said she would file the complaint at the station the following day. The evidence proved that the conduct alleged did occur, however said conduct was proper and appropriate.

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SUMMARY OF ALLEGATIONS #3: The officer failed to accept a complaint at the station.

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

FINDINGS OF FACT: No officer was identified as failing to accept a complaint at the station. One officer stated he did not know if the complainant came to the station to file a complaint on the date following the initial contact. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said the officer displayed inappropriate behavior during the alleged contact. There is insufficient evidence to either prove or disprove the allegation. The complainant was unable to provide any information leading to the officer identification.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to provide the accurate identifying information of arrestee to hospital authorities.

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

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

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

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

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

SUMMARY OF ALLEGATION :

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

FINDINGS OF FACT:

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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 kicked and beat him. All of the officers at the scene denied that force was used against the complainant. The complainant named one officer, but this officer denied any contact with the complainant.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to throw him out the window. All of the officers at the scene denied hearing any officer make the alleged comment. The complainant named one officer, but this officer denied any contact with the complainant.

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

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

FINDINGS OF FACT: The officer is deceased.

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

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

FINDINGS OF FACT: The officer is deceased

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

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

FINDINGS OF FACT: The officer is deceased

SUMMARY OF ALLEGATION #4: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The officer is deceased.

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SUMMARY OF ALLEGATION #5: The officer failed to offer medical treatment.

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

FINDINGS OF FACT: The officer is deceased

SUMMARY OF ALLEGATION # 6: The officer exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that during transportation to the station, the officers told her that she was just looking for a lawsuit and that is what she lives off, and that she was a piece of trash and would never amount to anything. The officer denied the allegation. The officer's partner is deceased. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant said she was arrested for not having identification and assaulting the officer. The officer stated that the complainant was arrested for delaying an officer's investigation and assaulting an officer. The officer's partner is deceased. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 8: The officer failed to offer medical treatment.

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

FINDINGS OF FACT: The complainant said while at the station, she asked to see an ambulance but the officer and his partner laughed at her. The officer denied the allegation. The officer's partner is deceased. There is insufficient evidence to prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to promptly and politely provide his name and star number.

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

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

SUMMARY OF ALLEGATION #2: The officer engaged in inappropriate behavior and made inappropriate comments.

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

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

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SUMMARY OF ALLEGATION #3: The officer used profanity in speaking to the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated her unattended vehicle was involved in a property damage only, hit and run accident. The complainant stated that she telephoned the Hit and Run detail on several occasions but no officer returned her call. The complainant does not recall who she spoke with at Hit and Run nor the dates or times she called the detail. There is insufficient evidence to either prove or disprove the allegation against any officer since the complainant does not know who she spoke with when she called the detail. Furthermore, without dates and times of the calls which complainant can not provide, a search of the Personnel Schedule would be futile due to the uncertainty of the timing of the calls and who would be assigned to the detail at the time the calls came in.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he told the officer that he wanted to "press charges" against a person who had assaulted the complainant's son. The officer's investigation failed to establish probable cause for the arrest. The officer documented his investigation in an Incident Report thereby complying with Department orders.

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

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

FINDINGS OF FACT: OCC's investigation established that the conduct complained of did not rise to a level of misconduct. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATION #2: The officer used inappropriate language

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

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

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

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

FINDINGS OF FACT: The complainant stated that she was legally parked when the officers asked her to move her vehicle. Office of Citizen Complaint's investigation established that the complainant was asked to move her vehicle to facilitate the movement of traffic. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated that the officer unnecessarily ran her name. The officer stated that he ran the complainant's name because he was possibly going to cite her for disobeying a direct order of a traffic officer. There is insufficient evidence to determine whether the officer's decision to run the complainant's name was punitive or legitimate. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she was legally parked when the officer asked her to move her vehicle. The complainant initially refused, but eventually did after the officer's partner raised the possibility of towing the complainant's vehicle. The complainant stated that after moving her vehicle, the officer asked to speak with her supervisor to complain about the complainant. Office of Citizen Complaint's investigation established that the issue surrounding the complainant's vehicle had nothing to do with her employment. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to make an arrest.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to arrest a suspect who was harassing him. The officer stated the suspect was arrested. Department records confirmed that the suspect was arrested. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The officer denied this allegation and stated he ordered the complainant and a suspect to stand fifteen feet apart. The officer's partner stated he had the most contact with the complainant and stated that the complainant was not moved. There were no [sober] witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer denied this allegation and stated he provided the complainant with his name and star number and spelled his name for the complainant. The officer's partner confirmed this statement and stated the complainant had a difficult time saying the officer's name. There were no [sober] witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer stated the complainant was detained for walking against a red light. The complainant acknowledged walking against a red light. The officer's action was proper.

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

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

FINDINGS OF FACT: The officer stated the complainant was cited for walking against a red light. The complainant acknowledged walking against a red light. The officer's action was proper.

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

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

FINDINGS OF FACT: The complainant stated the officer used a "bar arm hold" while attempting to handcuff the complainant. The officer stated he employed a bent wrist technique to handcuff the complainant. There were no witnesses. There was no additional evidence to further prove or disprove the allegation.

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

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

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

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

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

FINDINGS OF FACT: The complainant stated the officer left the scene with the complainant's wallet. The complainant stated that when the officer was informed of his error, the officer promptly returned the complainant's wallet. The officer stated he forgot that he placed the complainant's wallet on the passenger seat of the patrol car. The officer stated the complainant waved him down and the officer returned the complainant's wallet. By both accounts, this was not a deliberate act by the officer and did not harm the complainant. The allegation is not sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: One officer stated she had no interaction with the complainant. The second officer stated that the complainant's friend appeared to be intoxicated and was acting in a threatening manner. The third officer stated he spoke briefly with the complainant about a counterfeit ten-dollar bill. The complainant's friend denied being intoxicated but acknowledged he pushed an officer when she grabbed his shoulder. The complainant's friend stated that he didn't hear the conversation between the complainant and the officers. Three witness officers did not see the officers behave inappropriately or make any inappropriate comments. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #:

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 and his friend said the complainant was expelled from a club, that suspected security personnel would report them to the police, but denied being intoxicated. The officers said security personnel pointed out the complainant and his friends as three Hispanic males who had been ejected and returned to the club to challenge security to a fight. The officers also stated that when they detained the complainant they determined he was unable to care for himself due to alcohol intoxication. One witness confirmed the complainant was very intoxicated. Office of Citizen Complaints attempts to interview the other friend on scene was unsuccessful. Other witnesses on scene could not confirm or deny the condition of the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he was unnecessarily handcuffed against a wall for he was not intoxicated and offered no resistance. A witness on scene said the complainant talked constantly throughout this encounter and saw one or two unidentified officers handcuff the complainant against a wall but could not be more descriptive. The officer said that when he ordered the complainant and his friends to stop, the complainant approached him on the street uttering profanities and acting aggressive as he did toward club patrons, and security personnel. The officer said such behavior, coupled with the complainant's inability to care for himself due to public intoxication, warranted his handcuffing. Other witnesses on scene could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 4: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant said that after he was handcuffed, an officer pulled his wallet from his rear pants pocket. The officer could not recall whether he pulled the complainant's wallet from his pocket once he was in custody. The officer's partner stated that once the complainant was arrested and refused to identify himself, the officer needed an identification to run a warrant check on the arrestee as required by department policy. The preponderance of the evidence established that the officer's required actions were incident to the arrest, consistent with department policy, and therefore lawful and proper.

SUMMARY OF ALLEGATION #5-6: The officers used excessive force during the detention.

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

FINDINGS OF FACT: The complainant said an officer used excessive force to detain him while another threw him handcuffed over the hood of a patrol car, and then to the ground after he refused to get on the ground. The complainant also stated that a prisoner assaulted him inside county jail. The officer stated that the complainant refused twice to stop as requested and approached him aggressively uttering profanities. The officer said he informed the complainant he was under arrest, attempted to turn him around to handcuff him, but the complainant pulled his arm away so the officer took him to the ground using a bar arm take down. One witness gave a conflicting statement regarding the allegation. Other witnesses on scene did not recall or see when the complainant was taken to the ground. There was no evidence to substantiate the acts of a second officer. Two transporting witnesses did not recall the complainant being visibly injured and said he did not complain of pain. Medical records indicate the complainant sustained superficial abrasions to his face and chest. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7-8: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said he asked officers on scene numerous times to remove his handcuffs so he could urinate. One witness on scene verified the allegation. One officer denied the allegation and the other could not recall details about this incident. Two other witnesses on scene denied the allegation. Office of Citizen Complaints attempts to interview another witness on scene was unsuccessful. Other witnesses on scene could not confirm or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

OCC Added Allegation:

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

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

FINDINGS OF FACT:

The complainant said he sustained injuries at the hands of two officers. The officer acknowledged he used force to take the complainant to the ground, and there is no evidence a second officer used force upon him. The officer and other witnesses on scene including the transport officers denied seeing any visible injuries on the complainant, and denied the complainant complained of pain. The complainant said a prisoner inside county jail also assaulted him. There is insufficient evidence to either prove or disprove the allegation as to the cause of the superficial abrasions.

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

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

FINDINGS OF FACT: There is insufficient evidence to conduct an investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer misused the department's computer.

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

FINDINGS OF FACT: There is insufficient evidence to conduct an investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/08/06 **DATE OF COMPLETION:** 03/17/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer arrested the complainant without cause on December 7, 2006.

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

FINDINGS OF FACT: The officer stated he arrested the complainant for creating a public nuisance and littering the sidewalk. The complainant acknowledged that he uses tree branches as part of his "job." The complainant stated his job consists of hiding behind the branches and then jumping out and scaring passersby.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force during the complainant's arrest on December 6, 2006.

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

FINDINGS OF FACT: The complainant stated the officer broke a bone in his hand when he arrested the complainant on December 6, 2006. The complainant refused to show his hand to the investigator and stated he did not seek medical assistance and was not in any pain. The complainant refused to sign a release for medical records. The officer stated he had no contact with the complainant on December 6, 2006. No Department records could be found that indicated the complainant was detained or arrested on December 6, 2006.

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

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

FINDINGS OF FACT: There is a dispute about the date of the police contact and the actions that allegedly transpired, hence, 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 failed to take required action.

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

FINDINGS OF FACT: The complainant failed to provide additional information required to investigate this complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officer used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant failed to respond to the OCC's contact attempts. The named officer stated two intoxicated females were interfering with an arrest of a male suspect. He stated both women refused orders to back away from the scene. The officer stated he placed his hands on one woman's shoulders and guided her across the street. He then placed this woman's hands behind her back and handcuffed her. The officer's female partner confirmed the officer's statement. The two officers who conducted the arrest of the male suspect stated the two women were intoxicated and resisted being handcuffed. Two other officers at the scene stated they transported one of the females to the station. These two officers stated the woman was intoxicated. Neither woman responded to the Office CC's contact attempts. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that an unidentified officer hit him in the face while he was in police custody at the station. The complainant could not identify the officer responsible for this misconduct in a photo line-up compiled from the station roster. Four members questioned in connection with this incident denied hitting the complainant and/or witnessing such force by another member. The available evidence was insufficient to identify the officer who allegedly hit the complainant and either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers filed false charges against the complainant.

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

FINDINGS OF FACT: The named members denied the allegation. According to the complainant's arrest record, he was booked for the battery on a taxicab driver, refusal to pay fare, outstanding misdemeanor traffic warrant and public drunkenness. In his OCC statement, the complainant acknowledged that he was drinking for over six hours prior to this police contact. He also admitted having an outstanding warrant. The complainant denied having a fight with the cabdriver and stated that it was just an argument over his refusal to pay the fare asked by the driver. The Department records showed that the cab driver signed a citizen's arrest form against the complainant. The OCC found that, given the complainant's admissions and the available records, the officers filed correct charges against the complainant. The evidence proved that the act, which provided basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #4: The officer failed to properly process the complainant's money.

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

FINDINGS OF FACT: The complainant stated that over \$200 in cash was missing after he was released from the county jail. Department records indicated that only \$18.00 was booked at the time of his arrest. The arresting officers did not recall specifically what amount of cash the complainant had on his person at the time of the incident. The officer, who was performing the Station Keeper duties, stated that he inventoried all property and money in front of the complainant at the time his booking and he accurately entered the amount of cash (\$18.00) into the arrest record, which the complainant refused to sign. In his OCC statement, the complainant acknowledged that prior to his contact with the officers, he had consumed alcohol for over six hours and he did not remember when he last checked how much money he had. The complainant did not recall his booking and/or when and which officer took his property during the arrest. The available evidence was insufficient to conclusively determine whether any officer, in fact, took the complainant's property during his arrest and 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 issued citations without cause.

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

FINDINGS OF FACT: The complainant said the officer issued him citations without cause. Office of Citizen Complaints investigation established that the citations were properly issued. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant said the officer searched his vehicle for no reason. The officer and a witness denied the allegation. The evidence proved that the act alleged in the complaint did not occur, or the named member was not involved in the act alleged.

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

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

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

SUMMARY OF ALLEGATION #4: The officer failed to provide his name and star number.

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

FINDINGS OF FACT: The complainant said the officer failed to provide his name and star number when requested. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer searched him for no reason. The officer stated that he searched the complainant for officer's safety and pursuant to a valid arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer handcuffed him for no reason. The officer stated that he handcuffed the complainant pursuant to a valid arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #1: The officer failed to properly investigate.

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

FINDINGS OF FACT: The officer is not longer available and subject to Department Discipline.

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate and incomplete report.

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

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

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SUMMARY OF ALLEGATION #1-6: The officers entered the complainant' residence without cause.

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

FINDINGS OF FACT: The complainant stated that the police presence and entry into her brother's apartment was unlawful and that her brother did not "jump" from the window, but accidentally slipped out of a window to his death. The preponderance of the evidence established that the complainant's brother was a lawful tenant. The evidence further established that upon hearing the sound of broken glass and screams within the apartment, the officers reasonably believed that the complainant was in need of aid. Acting upon exigent circumstances, the officers' entry into the apartment was lawful and proper.

SUMMARY OF ALLEGATION #7: The officers behaved inappropriately, made inappropriate and profane comments.

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

FINDINGS OF FACT: The complainant stated that according to a witness at the scene officers used profane language and made inappropriate comments while talking to her brother or about her brother to others on scene. The officers denied the allegation. One witness at the scene said portions of the allegation did occur; however, the witness could not identify the officers in question. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8-9: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant denied that her brother committed suicide and that he was under the influence of any drug. The complainant also stated that the officers should have contacted her or her brother's mental health practitioner to intervene and save her brother. The officers stated that they were unable to obtain any rational information from the complainant's brother because of his mental state and methamphetamine intoxication that the Medical Examiner confirmed. The evidence further established that over the course of several hours, numerous officers were sympathetic and compassionate in their attempts to negotiate with the complainant's brother and to gain his cooperation. The investigation also established that the two incident commanders did not have training in the use of the extended range impact weapon (E.R.I.W.), a weapon which was unsuccessfully relied upon twice during the incident and which ultimately malfunctioned. The finding for the allegation of failure to take required action is a training failure at these two incident commanders.

SUMMARY OF ALLEGATION #10: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant denied that her brother committed suicide and that he was under the influence of any drug. The complainant also stated that the officers should have contacted her or her brother's mental health practitioner to intervene and save her brother. The officers stated that they were unable to obtain any rational information from the complainant's brother because of his mental state and methamphetamine intoxication that the Medical Examiner confirmed. The evidence further established that over the course of several hours, numerous officers were sympathetic and compassionate in their attempts to negotiate with the complainant's brother and to gain his cooperation. The investigation also established that complainant's brother fell to his death shortly after the officer attempted to fire an extended range impact weapon (E.R.I.W.), a weapon which was unsuccessfully relied upon twice during the incident and which ultimately malfunctioned. Unlike firearm discharges, which are subject to formal review under Department General Orders 8.11 and 3.10, cases involving the discharge of an extended range impact weapon are not subject to any review process to determine whether the discharge was appropriate and consistent with department policy and to evaluate the need for any changes to existing policy and training. The Office of Citizen Complaints recommends that General Orders 8.11 and 3.10 be amended to include discharges by extended range impact weapons. The finding for the allegation of neglect of duty against this officer is a policy failure.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant failed to respond to contact attempts by this agency and was not interviewed. The named officer stated that he spoke to the complainant. He stated she was defensive and told him she was upset because he was smiling at a co-worker. He denied “snickering” at the complainant. A witness officer stated he took a report from the complainant and stated the complainant was very demanding and unreasonable. This officer further stated the named officer acted professionally at all times. There were no witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The named members stated that the complainant was arrested for driving with suspended license and for violation of a court order. The Department records corroborated this statement. In his Office of Citizen Complaints interview, the complainant acknowledged that his driver's license was indeed suspended at the time of this police contact but claimed that the stay away order had been lifted by the court before this incident. The available evidence shows that the officers' decision to place the complainant under arrest was justified and proper.

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

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

FINDINGS OF FACT: The complainant stated that San Francisco Police Department member(s) failed to remove information regarding his stay away order from the computer system although the court had lifted this order before the incident. The complainant insisted he had paperwork to support this claim and he promised to provide it to the Office of Citizen Complaints but failed to do so. The complainant's San Francisco Police Department and court records did support his claim. The complainant failed to provide additional requested information.

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SUMMARY OF ALLEGATION #4: The officer applied excessively tight handcuffs.

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

FINDINGS OF FACT: The named member admitted handcuffing the complainant but denied that the cuffs were excessively tight. The officer's partner supported this statement. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: