

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/08 **DATE OF COMPLETION:** 03/28/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly

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

FINDINGS OF FACT: The complainant wrote that he observed a patrol unit go through a red light in an unsafe manner. The officer and his partner assigned to the unit identified by the complainant, denied the allegation and stated they were on a call assisting another unit at the time the alleged act occurred. Department records provided evidence that the officers were on an accident call assisting another unit at the time the complainant stated he observed the officer commit the violation. The evidence showed that the act alleged did not occur or that the named officer was not involved in the alleged act.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/28/07 **DATE OF COMPLETION:** 03/03/08 **PAGE#** 1 of 1

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

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

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

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

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

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

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

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

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

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/23/08 **DATE OF COMPLETION:** 03/02/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION#1: The officer damaged the complainant's property during an arrest.

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

FINDINGS OF FACT: The complainant filed a claim with the City of San Francisco for reimbursement for his damaged property. He applauded the conduct of the officers who conducted the arrest and did not want to make a complaint with this office.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/28/08 **DATE OF COMPLETION:** 03/14/08 **PAGE# 1 of 3**

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

CATEGORY OF CONDUCT: UF **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 10, 2008.

SUMMARY OF ALLEGATION #2: The officer instructed the complainant to hand his son to an officer without cause.

CATEGORY OF CONDUCT: UA **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 10, 2008.

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SUMMARY OF ALLEGATION #3: The officer attempted to search the complainant without cause.

CATEGORY OF CONDUCT: UA **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 10, 2008.

SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant and had him transported to the station.

CATEGORY OF CONDUCT: UA **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 10, 2008.

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SUMMARY OF ALLEGATION #5: The officer made inappropriate statements.

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 10, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/06/07 **DATE OF COMPLETION:** 03/25/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an accurate and complete report.

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

FINDINGS OF FACT: The evidence showed that the officers wrote a complete and accurate report based on their knowledge and information regarding suspects they subsequently arrested and an entry into a residence on the date of the arrests. A minor inconsistency existed between the officers' reports wherein one officer stated two suspects were outside the residence prior to entry while the other officer stated he observed three suspects outside the residence prior to entry. This was an insignificant inconsistency that did not affect the officer's investigations or their reports. The alleged act did not occur.

SUMMARY OF ALLEGATIONS #3: The officer did not properly review an inaccurate report.

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

FINDINGS OF FACT: The investigation showed that the report was accurate and complete. The officer's review of the report was therefore accurate and complete based on information provided to him by on-scene officers. The alleged act did not occur.

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SUMMARY OF ALLEGATION #4: The officer searched and seized property without justification.

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

FINDINGS OF FACT: The property in question was residence keys. The complainant stated the officer seized house keys from another arrestee without the arrestee's permission and used the keys to attempt an entry into a residence. The officer stated that the arrestee voluntarily handed him the keys and gave him permission to enter the residence. The arrestee would not cooperate with the OCC investigation despite several attempts to have the arrestee provide a statement. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer took a diskette and that the diskette was not booked into property. The officer denied the allegation and no other witness observed the officer take a diskette. The evidence was insufficient either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer made a warrantless entry without cause.

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

FINDINGS OF FACT: The officer was the officer in charge of an investigation wherein the residents at this address were suspects in several felonies. The residents/suspects were identified as having outstanding and confirmed arrest warrants. The officer was provided this information and established that the resident/suspects resided at this particular address. A surveillance was established and one suspect was arrested outside the residence while at least one other suspect fled into the residence. The officers entered the residence in pursuit of the wanted suspect after knocking on the door and requesting entry, which was refused. A complainant and witnesses stated that a suspect would re-lock the door as officers used a key in an attempt to open the door. Witnesses stated that one suspect yelled out something to the effect, that the officers would have to come in and get him. While at the front door and before entry, officers heard several loud movements inside the residence which they interpreted could be either the suspects fleeing, the suspects destroying evidence or arming themselves all of which created a safety issue for all involved persons and bystanders. The officers entered the residence in an exigent manner to gain custody of fleeing suspects with outstanding felony warrants. The evidence showed that the officer's actions were proper.

SUMMARY OF ALLEGATIONS #7: The officer used an improper method to enter a residence.

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

FINDINGS OF FACT: The complainant and the officers stated that a small battering ram was used to enter the residence. The officers used the battering ram to enter the residence to arrest fleeing suspects with outstanding felony warrants. The battering ram was used only after the officers were refused entry after knocking and giving notice, and when using a key to unlock the door, a suspect on the other side of the door would immediately re-lock the door. The evidence showed that the officers acted in a lawful and proper manner when they used a small battering ram to enter a residence in pursuit of suspects with outstanding and confirmed felony arrest warrants.

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DATE OF COMPLAINT: 02/01/08 **DATE OF COMPLETION:** 03/20/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant stated the officers failed to interview his neighbor, whom he accused of forging one of his checks. The complainant stated the neighbor's name was on the check. The officers stated they did not interview the neighbor because the neighbor's name was not on the forged check. The officers provided a copy of the forged check and it did not have the neighbor's name on it. The officers stated they referred the matter to the San Francisco Police Department Fraud Unit for investigation. The officers' actions were proper.

SUMMARY OF ALLEGATIONS #:

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 alleged that the officer failed to take required action. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officer misused his police authority.

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

FINDINGS OF FACT: The anonymous complainant reported a police vehicle parked in a red bus zone and assumed it was against regulations. A witness stated he flagged down the officer, who frequently walks the business beat, and brought a crime in his business establishment to the officer's attention. The officer parked in the bus stop right in front of the business to attend to the merchant's call for service. The evidence established the officer's action were legitimate, and he did not misuse his authority.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant filed a civil claim with the City of San Francisco. The complainant failed to respond to contact attempts made by this agency.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: Unnecessary Force for force used during the arrest.

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

FINDINGS OF FACT: The complainant was unable to identify the officer he accused of misconduct. The questioned officer, who fit the complainant's minimal description, denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: Neglect of Duty for failure to take required action [loosening handcuffs].

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

FINDINGS OF FACT: The complainant was unable to identify the officer he accused of misconduct. The questioned officer, who fit the complainant's minimal description, denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: Discourtesy for use of profanity.

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

FINDINGS OF FACT: The complainant was unable to identify the officer he accused of misconduct. The questioned officer, who fit the complainant's minimal description, denied the allegation. There were no 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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DATE OF COMPLAINT: 02/12/08 **DATE OF COMPLETION:** 03/27/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer practiced racially biased policing.

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, who provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

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

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, who provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

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

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, who provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

SUMMARY OF ALLEGATION #4: The officer searched the complainants' residence without cause.

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, who provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

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SUMMARY OF ALLEGATION #5: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainants filed a civil claim with the City of San Francisco, who provided a copy of the claim to the OCC. The complainants failed to respond to contact attempts. An investigation was not opened.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officer failed to process personal property.

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

FINDINGS OF FACT: The complainant stated his car keys were not returned to him after he left County Jail. The officers stated complainant and his personal property were booked at County Jail. The San Francisco Sheriff's Department records indicated the complainant's keys were inventoried along with other personal property during prisoner transfer to the County Jail. The evidence established the complainant's property being with the Sheriff's Department. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were legal, justified, and proper.

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

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

FINDINGS OF FACT: The complainant stated he should not have been arrested. The officer stated the complainant was abusive, threatening, irate and hostile toward him. The witness was unable to corroborate the allegation made in the complaint. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/26/07 **DATE OF COMPLETION:** 03/02/08 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity toward him. The officer denied the allegation. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/13/08 **DATE OF COMPLETION:** 03/25/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The claimant failed to respond to Office of Citizen Complaints requests for an interview. The claimant failed to disclose necessary and essential information to further the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said she should not have been issued a citation for failing to stop for a red traffic light. The complainant stated she entered the controlled intersection on a green traffic light and she stopped her car due to traffic ahead. The complainant said she cleared the intersection but stopped her car for traffic ahead at the crosswalk. The officer stated he was parked about three-car lengths from the intersection. The officer said he observed the complainant's car enter the intersection against a red traffic light. The officer stated he effected a traffic stop and issued a citation to the complainant. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to take required action for failure to take a citizen's complaint of misconduct and failure to investigate a violation of DGO 5.15.

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

FINDINGS OF FACT: The complainant stated he asked the officer to look into the arrests of two of his clients, which he believed occurred during an Immigration and Customs Enforcement operation that involved the Department's participation. The officer denied the allegation. The officer stated that it was the officer's understanding that the purpose of the meeting was to discuss the department's policy regarding undocumented residents. The officer stated that when the complainant was asked if he wanted to make a formal complaint, he said "No" and "would get back to us." Witnesses at the meeting gave conflicting statements regarding the purpose of the meeting and whether the complainant stated explicitly or by inference that he was making a formal complaint of police misconduct. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer offered to receive and forward an OCC complaint during a meeting, but during a subsequent telephone conversation refused to receive or assist to forward his complaint to the Office of Citizen Complaints. The officer stated that he provided the complainant an OCC complaint by facsimile and denied refusing to accept the OCC complaint form. There were no witnesses to the telephone conversation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer assisted the Immigration and Customs Enforcement Agency in violation of Department General Order 5.15.

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

FINDINGS OF FACT: The evidence indicates that the named officer acted in accordance with the Department's approval to participate in the joint operation with the Immigration and Customs Enforcement Agency. Thus, the officer's conduct was justified; however, the OCC recommends a change to Department General Order 5.15.

SUMMARY OF ALLEGATION #4: The Department assisted the Immigration and Customs Enforcement Agency in violation of Department General Order 5.15.

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

FINDINGS OF FACT: The evidence indicates that San Francisco Police Department officers, United States Immigration and Customs Enforcement (hereinafter ICE, formerly Immigration and Naturalization Service), California Department of Justice special agents, and Bureau of Narcotics Enforcement agents, participated in a joint operation to target members of the criminal street gang "Sureness 13" and Mara Salvatrucha (MS 13) over the course of three days during the spring of 2005. According to the ICE Enforcement Action Plan, the operation's objectives were to 1) establish surveillance at target intersections; 2) observe and identify criminal street gang members and associates; 3) apprehend and arrest subjects engaged in suspected criminal activities including counterfeit identification document sales and illicit narcotics distribution; 4) assist San Francisco County Probation with warrantless probation searches on eligible probation targets; 5) affect targets in violation of location specific stay away orders; and 6) gather gang related intelligence for analysis and further enforcement action. The plan's third objective also included that "ICE agents will identify subjects eligible for felony 1326 Re-entry after Deportation prosecutions." Section 1326 Re-entry after Deportation prosecutions are prosecutions under federal immigration law, specifically 8 U.S.C section 1326. The evidence indicates that SFPD officers requested and obtained written approval to participate in the joint operation with ICE. Approval was limited to "target identified gang members engaged in illegal activity."

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The evidence indicates that prior to the joint operation SFPD received approval to provide ICE a list of active gang members with reportedly prior felony convictions. The evidence indicates that SFPD officers rode with ICE agents to point out specific areas and individuals. The evidence indicates that SFPD officers did surveillance of local gang members and arrested individuals for criminal violations involving stay away orders and narcotics offenses. The evidence did not indicate that those arrested by SFPD were subsequently turned over to ICE. The evidence also indicates that during the joint operation ICE agents arrested complainant's two clients, questioned them about their gang affiliation, and completed a Record of Deportable/Inadmissible Alien on each. The narrative which requests "an outline of particulars under which the alien was located/apprehended" did not include any observations that the two arrested individuals were involved in criminal activities. The arrested individuals were subsequently subjected to deportation proceedings. Neither individual was named on the list of active gang members with prior felony convictions that SFPD provided to ICE. The evidence indicates that SFPD members received authorization to participated in a joint operation with ICE agents to target identified gang members engaged in illegal activity where one of the operation's objectives was for ICE agents to identify subjects eligible for prosecution under federal immigration laws. To ensure strict compliance with DGO 5.15 and increase transparency and accountability, the OCC recommends that DGO 5.15 be revised to include provisions that clarify whether SFPD may engage in joint operations with ICE that target both criminal activity and immigration enforcement and require the Police Chief to provide a written report to the Police Commission that identifies all joint operations, assistance and information provided to ICE, and the manner in which such operations, assistance and release of information comply with DGO 5.15. Therefore, the evidence indicates that the act occurred but that ambiguity in the Department General Order constitutes a **Policy Failure**.

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #2: The officer made the complainant's handcuffs too tight.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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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 This complainant alleged the officer failed to take required action. The identity of the alleged officer has not been established. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

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

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

FINDINGS OF FACT: The complainant stated that an San Francisco Police Department command staff member neglected her duties as a police officer and failed to take appropriate actions regarding a panhandling individual. The Office of Citizen Complaints found that the officer acted appropriately and took the actions reasonably necessary under the circumstances.

SUMMARY OF ALLEGATION #:

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

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

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

FINDINGS OF FACT: This complaint raises matters not within OCC's jurisdiction. It was referred for further investigation to:

Management Control Division
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94107

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/25/08 **DATE OF COMPLETION:** 03/20/08 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters not within OCC's jurisdiction and was referred to the appropriate agency.

District Attorney Office
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers arrested the complainants without cause.

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

FINDINGS OF FACT: The first officer denied the allegation, stating one of the complainants was observed vandalizing a residence. The second officer stated he saw the complainant near the window lowering his arms. All of the involved complainants stated they saw the complainant waiting for them near their car when the police approached him. The second officer said the one of the other complainants failed to comply with his numerous orders to stay back, interfered with their investigative detention, and encircled their position in a threatening manner. The first officer corroborated the account of the named officer. All of the involved complainants said the arrested complainant was protesting, though backing up with his hands in the air. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3: The officer used pepper spray on the complainant.

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

FINDINGS OF FACT: The officer denied the allegation, stating the use of pepper spray was a necessary force due to the escalating and threatening situation at hand. The named officer said the complainant continued to advance on their position, after being warned numerous times to stay back and to not interfere with their investigation. The witness officer corroborated the named officer's account of the incident. Both officers said they felt physically threatened by the complainant. The complainants stated the pepper-sprayed complainant verbally protested, yet retreated when the officer's commanded. One of the post-incident witnesses stated the effected complainant admitted he was loud and boisterous with the officers. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/06 **DATE OF COMPLETION:** 03/25/08 **PAGE#** 2 of 6

SUMMARY OF ALLEGATION #4-5: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The first officer denied the allegation, stating he did not have any reason to take the complainant to the ground, as the complainant was respectful and compliant. Two of the complainants stated they saw the officer slam the complainant to the ground. The second officer denied the allegation, stating he performed an academy trained leg sweep to take the other complainant to the ground after spraying him with pepper spray. The officer denied choking or using a carotid hold on the complainant. Two of the complainants stated the officer brought the complainant to the ground and choked him. According to the complainant, he was treated at the hospital only for the pepper spray application. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6-7: The officer's comments and behavior were inappropriate.

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

FINDINGS OF FACT: Both officers denied the allegation, stating they did not tell the complainants to shut up during the incident. One of the complainants's said both officers made the comments, while another complainant said the second officer made the comments. The first officer denied grabbing the complainant's clothing and threaten they would be next. Two of the complainants stated the first officer grabbed one of their clothing and threatened them both. Both officers denied laughing at two of the complainants after the incident. One of the complainants saw the officers laughing at them after the incident. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/06 **DATE OF COMPLETION:** 03/25/08 **PAGE#** 3 of 6

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

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

FINDINGS OF FACT: The officer denied the allegation, stating she did not make the inappropriate comment to the complainant. The officer said she attempted to flush the pepper spray from the eyes of the complainant and he refused treatment. The complainant stated he could not see after being sprayed with the pepper spray. The complainant said a female officer made an inappropriate comment to him while he lay on the ground. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #9-10: The officers searched the complainants.

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant was pat searched for officer safety and weapons, due to the initial detention of vandalism. The officer said the complainant's right hand was covered with his sleeve. The officer said at the time, he was uncertain if the complainant had a weapon or object in his hand. The second officer denied the allegation, stating the other complainant was searched once he was arrested for resisting and interfering with a police investigation. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/06 **DATE OF COMPLETION:** 03/25/08 **PAGE#** 4 of 6

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he returned the complainant's security guard ID card to him at the hospital. The officer said the complainant was fully aware when he placed his copy of the citation and his guard card on his lap area while he laid on the hospital gurney. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #12-13: The officer failed to provide identification when requested.

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

FINDINGS OF FACT: Both officers denied the allegation, stating they had no interaction with anyone from the crowd in regards to their names and star numbers. Though a witness stated the officers would not respond to his request of their names and star numbers, another witness provided a list of seven officer's names and star numbers involved at the incident. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/06 **DATE OF COMPLETION:** 03/25/08 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #14: The officer misrepresented the truth.

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

FINDINGS OF FACT: The officer denied the allegation, stating he observed the complainant breaking glass at the front window of a residence. The officer's account of the incident corroborated the documentation in the incident report. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he observed the complainant in the act of vandalism on a residence. The officer said he detained the complainant to conduct a police investigation. The witness officer said he saw the complainant standing at the window and lowered his arm to his side. The involved complainants stated the detained complainant was standing near their car waiting for their arrival when the police approached him. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/06 **DATE OF COMPLETION:** 03/25/08 **PAGE#** 6 of 6

OCC ADDED SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The officer denied the allegation, stating his incident report is accurate and complete to the best of his knowledge. The witness officer corroborated the account of the incident as indicated in the police report. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/06 **DATE OF COMPLETION:** 03/10/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant failed to respond to Office of Citizen Complaints request for an interview, and failed to provide information necessary to the investigation.

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

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

FINDINGS OF FACT: The complainant failed to respond to Office of Citizen Complaints request for an interview, and failed to provide information necessary to the investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/06 **DATE OF COMPLETION:** 03/10/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant failed to respond to Office of Citizen Complaints request for an interview, and failed to provide information necessary to the investigation.

SUMMARY OF ALLEGATION #4: The officer lied.

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

FINDINGS OF FACT: The complainant failed to respond to Office of Citizen Complaints request for an interview, and failed to provide information necessary to the investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/26/08 **DATE OF COMPLETION:** 03/06/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Police Department Management Control Division.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Police Department Management Control Division.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/26/08 **DATE OF COMPLETION:** 03/27/08 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/08 **DATE OF COMPLETION:** 03/07/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Police Department Management Control Division.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Police Department Management Control Division.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/28/08 **DATE OF COMPLETION:** 03/07/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer issued a citation without cause based on racial bias.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to follow proper procedures as detailed in DGO 5.20

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

FINDINGS OF FACT: The complainant withdrew the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/28/08 **DATE OF COMPLETION:** 03/07/08 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to follow proper procedures as detailed in DGO 5.06 II D (17).

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

FINDINGS OF FACT: The complainant withdrew the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/08 **DATE OF COMPLETION:** 03/28/08 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant raises matters outside the jurisdiction of the OCC. The complaint has been referred to the San Francisco Sheriff's Office.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/29/08 **DATE OF COMPLETION:** 03/10/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: **FINDING:** IO(2) **DEPT. ACTION:**

FINDINGS OF FACT: This (allegation) complaint raises matters not rationally within the 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: 02/25/08 **DATE OF COMPLETION:** 03/20/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer(s) failed to take required action by telephoning the complainant regarding the recovery of a stolen vehicle.

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

FINDINGS OF FACT: The complainant's vehicle was stolen in San Rafael, California and recovered in San Francisco. The complainant was notified by mail that her vehicle was recovered and in storage. The complainant feels the San Francisco Police Department should have notified her by telephone that her vehicle was recovered therefore less storage costs would have accumulated. Department General Orders 9.06 in relevant part states that officers will contact communications who shall make an attempt to contact the reportee, provided the reportee is a San Francisco resident. If the resident is unable to come to the scene within twenty minutes the vehicle shall be towed. The complainant is not a San Francisco resident and thus neither communications nor any officer was required to contact her.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/08 **DATE OF COMPLETION:** 03/17/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/07 **DATE OF COMPLETION:** 03/14/08 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer drove in a negligent manner.

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

FINDINGS OF FACT: The complainant's description of the involved officer did not match that of any of the officers identified as involved in the underlying incident. Eleven officers were involved in a buy-bust operation in the area. Each officer was questioned and each officer denied driving in the manner alleged by the complainant. Two witnesses stated they could not identify the vehicle or the driver of the vehicle. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer struck the complainant with a Department vehicle.

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

FINDINGS OF FACT: The complainant's description of the involved officer did not match that of any of the officers identified as involved in the underlying incident. Eleven officers were involved in a buy-bust operation in the area. Each officer was questioned and each officer denied striking the complainant with a Department vehicle. Two witnesses stated they saw an unmarked vehicle strike the complainant and knock him down but they could not identify the vehicle or the driver of the vehicle. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/07 **DATE OF COMPLETION:** 03/14/08 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant's description of the involved officer did not match that of any of the officers identified as involved in the underlying incident. Eleven officers were involved in a buy-bust operation in the area. Each officer was questioned and each officer denied detaining and/or handcuffing the complainant. One witness saw the complainant "jumped on" by a six-foot tall white male with a long dark ponytail. None of the officers involved in the operation met this description. A second witness stated he saw the complainant handcuffed by several plain-clothes officers but he could not describe or identify these officers. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant's description of the involved officer did not match that of any of the officers identified as involved in the underlying incident. Eleven officers were involved in a buy-bust operation in the area. Each officer was questioned and each officer denied detaining and/or handcuffing the complainant. One witness saw the complainant "jumped on" by a six-foot tall white male with a long dark ponytail. None of the officers involved in the operation met this description. A second witness stated he saw the complainant handcuffed by several plain-clothes officers but he could not describe or identify these officers. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/21/07 **DATE OF COMPLETION:** 03/14/08 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant's description of the involved officer did not match that of any of the officers identified as involved in the underlying incident. Eleven officers were involved in a buy-bust operation in the area. Each officer was questioned and each officer denied using profanity. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant's description of the involved officer did not match that of any of the officers identified as involved in the underlying incident. Eleven officers were involved in a buy-bust operation in the area. Each officer was questioned and each officer denied searching the complainant. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/07 **DATE OF COMPLETION:** 03/14/08 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer failed to prepare an Incident Report.

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

FINDINGS OF FACT: The complainant's description of the involved officer did not match that of any of the officers identified as involved in the underlying incident. Eleven officers were involved in a buy-bust operation in the area. Each officer was questioned and each officer denied having any contact with the complainant. One witness saw the complainant "jumped on" by a six-foot tall white male with a long dark ponytail. None of the officers involved in the operation met this description. A second witness stated he saw the complainant handcuffed by several plain-clothes officers but he could not describe or identify these officers. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer failed to accept a citizen's complaint.

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

FINDINGS OF FACT: The complainant's description of the involved officer did not match that of any of the officers identified as involved in the underlying incident. The officer could not be identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/08 **DATE OF COMPLETION:** 03/14/08 **PAGE#** 1 of 1

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

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

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

Management Control Division
San Francisco Police Department
850 Bryant Street, Room #545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/08 **DATE OF COMPLETION:** 03/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT : The officer did not recall the contact. Neither the complainant nor the officer identified any witnesses and 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: 03/17/06 **DATE OF COMPLETION:** 03/10/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1 and #2: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers entered his hotel room and arrested him without cause. the investigation disclosed that the complainant registered for the room under a fictitious name, and that the name he used was that of a person on felony probation with a search condition. The officers lawfully entered the room pursuant to the search condition, and found that the complainant himself was on felony probation with a search condition, and found drugs and a firearm. The complainant pled guilty to possession of a firearm by a felon. The officers' conduct was 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: 03/10/08 **DATE OF COMPLETION:** 03/26/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she told the officer a stranger asked her, “Have you ever been raped?” and asked the officer to arrest the stranger. The complainant stated the officer replied, “For what? It’s just a comment.” The officer stated the woman told him the stranger did not touch her in anyway. The officer stated he told the complainant he could not arrest the stranger for asking a question, even though it was wrong of the stranger to ask such a question. The officer’s conduct was proper.

SUMMARY OF ALLEGATION #2: The officer failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated the officer provided his identification. She also provided this agency with the officer’s name. The officer stated he provided the complainant his identification three times and also showed her his nametag and star. The officer’s conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/07 **DATE OF COMPLETION:** 03/07/08 PAGE # 1 of 3

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

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

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

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

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

FINDINGS OF FACT: The officer stated he detained the complainant after witnessing the complainant punching a female subject, later identified as the complainant's girlfriend. The complainant's girlfriend denied being punched by the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/07 **DATE OF COMPLETION:** 03/07/08 PAGE # 2 of 3

SUMMARY OF ALLEGATION # 3: The officer seized the complainant's property without justification.

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

FINDINGS OF FACT: The officer denied the allegation and said that no property was seized. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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 and said that the force used was necessary to apprehend the complainant who was resisting. A witness officer said that the complainant was resisting.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/07 **DATE OF COMPLETION:** 03/07/08 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation without cause. The evidence shows that the officer was instructed by his superior officer to cite the complainant. 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 #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/08 **DATE OF COMPLETION:** 03/26/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #: The officers failed to take required actions.

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

FINDINGS OF FACT: The complainant stated that San Francisco Police Department officers “continuously failed” to respond to numerous emergency calls for police assistance placed by her and by other tenants in her residential building. The complainant also stated that when, on rare occasions, the officers did come out, they did not take any effective enforcement actions. In her Office of Citizen Complaints statement, the complainant could not detail any concrete incident when the officers mishandled her calls for police assistance. The person, on whose information the complainant partially based her allegations, did not respond to the Office of Citizens Complaints requests for an interview. The Communications records did not support the complainant’s assertions. There was insufficient evidence to establish the identity of the officers who were involved in the alleged misconduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/08 **DATE OF COMPLETION:** 03/14/08 **PAGE# 1 of 1**

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

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

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

Pamela Roskowski
Chief of Police
University of California, San Francisco, Box 0238
San Francisco, CA 94143

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/08 **DATE OF COMPLETION:** 03/26/08 **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:

Deputy Chief of Administration
San Francisco Fire Department
698 Second Street
San Francisco, CA 94107

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/07 **DATE OF COMPLETION:** 03/03/08 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The complainant alleged the named officer ordered a roomful of people to produce their identification without justification. The officer acknowledged making the order, stating that he was investigating the people for consuming alcohol after hours. The law the officer said he was enforcing implicates the owner of a tavern that allows drinking, not those consuming the alcohol. A preponderance of the evidence proved that the actions complained of did occur, and using as a standard, the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant alleged the named officer detained him for being drunk in public in response to his asking why the officer needed his identification. The named officers denied the allegation, stating that they suspected the complainant of criminal behavior, that when they asked for his identification, he became unreasonable, asking why they needed to see it after they had explained themselves twice. The officers further said they observed his unreasonableness, his “unsteady gait while standing,” and other symptoms of intoxication, and determined that the complainant could not care for himself. The crime the officers said they were investigating, however, did not apply to the complainant, so his question was not unreasonable. Additionally, several witnesses stated that the complainant was arrested without explanation and was neither unreasonable nor intoxicated. Additionally, the officers and numerous witnesses said the complainant was sitting when arrested. A preponderance of the evidence proved that the actions complained of did occur, and using as a standard, the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant said he was handcuffed and booked for being drunk in public, when he was not. The officer acknowledged handcuffing the complainant, but said the complainant was too drunk to care for himself, because he showed signs of intoxication, unreasonably asked why the officers needed his identification and swayed while standing. The law the officer said was under investigation when the complainant was asked for identification did not apply to the complainant. Several witnesses indicated the complainant did not appear drunk, was not unreasonable, and was sitting when arrested. A preponderance of the evidence proved that the actions complained of did occur, and using as a standard, the applicable regulations of the Department, the conduct was improper

SUMMARY OF ALLEGATION #5: The officer used profanity .

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

FINDINGS OF FACT: The complainant said the named officer used profanity. The named and one witness officer denied the allegation. Several witnesses did not hear the profane phrase alleged by the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer made inappropriate comments.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. Several witnesses did not hear the comment alleged by the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force at the station.

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

FINDINGS OF FACT: The complainant stated the officers squeezed his hands tightly. The complainant said the officers kicked his legs, pulled his hair, and held him on the ground. The officers said the complainant did not cooperate and pulled his hands off the booking counter. The officers stated the complainant took an aggressive stance and was about to strike one of them. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said the officers detained him without justification. The officers stated the complainant was in a high crime narcotics area. The officers said they observed the complainant in a drug buy transaction. The officers stated they had prior contacts with the complainant and were aware he was on Probation with an active search condition. San Francisco Police Department Records show the complainant to have a warrantless search condition. The officers legally detained the complainant due to the fact that the complainant had an active search condition while being on Probation with a local Warrant. There is no dispute that the complainant was in possession of Marijuana. There was an unknown witness with the complainant at the scene that left during the arrest with no further identification on him. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, proper, and legal.

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SUMMARY OF ALLEGATION #5: 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 and his bag without his permission. The complainant admitted he had Marijuana on him. The officers said the complainant was on Probation with an active search condition as well as a local Warrant. The officers observed the complainant in a high narcotics area. There was an unknown witness with the complainant at the scene that left during the arrest with no further identification on him. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, proper, and legal.

SUMMARY OF ALLEGATION #6: The officer's behavior and comments were threatening and inappropriate.

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

FINDINGS OF FACT: The complainant said the officer became aggressive and threatening. The complainant stated the officer told him he was going to be injured. The officer stated he did not make any threats to the complainant. The officer said the complainant was aggressive and uncooperative. There was an unknown witness with the complainant at the scene that left during the arrest with no further identification on him. There were no witnesses at the station. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/18/08 **DATE OF COMPLETION:** 03/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/17/08 **DATE OF COMPLETION:** 03/20/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: **FINDING:** IO(2) **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/17/08 **DATE OF COMPLETION:** 03/26/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/20/08 **DATE OF COMPLETION:** 03/21/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer wrote a citation for violation of CVC 22107 without cause.

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

FINDINGS OF FACT: The complainant stated the officer cited him for making a turn without coming to a complete stop at a red light. The complainant stated that he did come to a complete halt. The complainant provided to Office of Citizen Complaints a copy of the 14601 CVC report that included the officer's testimony and certification for the court. In this certified report, the officer stated that the driver (complainant) failed to come to a complete stop at a solid red light. There were no witnesses to this incident. 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 cited the complainant without cause.

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

FINDINGS OF FACT: The complainant said the officer cited him without cause for repairing vehicles on the street. The named officer said he and other officers at his station had received numerous complaints from neighbors about the complainant repairing on cars in the street. He said he advised the complainant about this several times in the months preceding this incident. The named officer said he cited the complainant after seeing him working on a vehicle in the street. The named officer provided photographs of the complainant working on a car in the street taken at the time of the violation for which he was cited. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant said the officer arrested him without cause for repairing vehicles on the street. The named officer said he and other officers at his station had received numerous complaints from neighbors about the complainant repairing cars in the street. He advised the complainant about this several times in the months preceding this incident. The named officer said on the day of this incident, he cited the complainant after seeing him working on a vehicle in the street. The named officer returned to that location a short time later and saw the complainant still working on the vehicle in the street, which constituted a continuing violation. The complainant told the named officer that he wanted to see a judge, so the officer placed him under arrest. The complainant denied saying anything to the officer about being taken before a judge. A relative of the complainant who was present at the scene said she heard the complainant tell the officer that he wanted to see a judge. A witness said he heard the officer tell the complainant that he could be arrested, and the complainant then told the officer to arrest him. The named officer provided photographs of the complainant working on a car in the street taken at the time of the violation for which he was cited and arrested. The evidence established that the complainant's arrest was justified because the complainant asked to be promptly taken before a magistrate. The action complained of was proper.

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SUMMARY OF ALLEGATION #3: The officer misused police authority.

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

FINDINGS OF FACT: The complainant said the officer misused police authority by citing and arresting him for working on vehicles on the street. The complainant believes the officer did this as a favor to a relative of his who is one of the complainant's neighbors. The named officer said he is the Code Enforcement officer at his station and handles complaints involving public nuisances, including illegal auto repairs in the street. The named officer said he and other officers at his station had received numerous complaints from neighbors about the complainant repairing cars in the street and spilling fluids on the sidewalk. The named officer received a petition signed by numerous neighbors about this. The named officer advised the complainant about this several times in the months preceding this incident. The named officer said he cited the complainant after seeing him working on a vehicle in the street. The named officer provided photographs of the complainant working on a car in the street taken at the time of the violation for which he was cited. The named officer arrested the complainant a short time later because the complainant asked to be taken before a judge. The officer denied taking enforcement action against the complainant on the behest of his relatives. The named officer provided a copy of the petition from the complainant's neighbors and photographs of the complainant repairing vehicles in the street taken on two different occasions. The complainant admitted that he did repair work on cars in the street. A preponderance of the evidence established that the enforcement action taken by the named officer was within the course of his duties and did not constitute a misuse of police authority.

SUMMARY OF ALLEGATION #4: The officer unnecessarily tightened the complainant's handcuffs.

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

FINDINGS OF FACT: The complainant said the officer tightened his handcuffs at the police station, causing pain. Photographs of the complainant's wrists taken at OCC approximately fifteen hours after his arrest did not reveal any bruising. A relative of the complainant said his hand was very purple after he was released. There were no known witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to follow Department procedures concerning the child of an arrested parent and concerning Booking & Detention procedures.

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

FINDINGS OF FACT: The complainant said when he was arrested, he asked a friend to go to his apartment and tell his twelve-year-old daughter, who was home alone, what was happening. The complainant's daughter came outside and was screaming. The named officer refused to allow him to make arrangements for the care of his daughter. The complainant also stated that he was held at the police station for several hours before being transported to the county jail and was not allowed to make any phone calls. The complainant's daughter stated she had been outside for some time prior to her father's arrest, waiting for him to finish repairing a car, and denied that anyone came to the apartment to summon her. When her father was handcuffed, she telephoned her mother on her cell phone, and asked the named officer to talk to her mother, but he refused. She heard her father ask officers if they would allow him to take her inside before he was taken to the police station. The complainant's friend stated the complainant asked him to tell his daughter that he was being arrested, which he did. The complainant's daughter then exited their building and yelled "my father, my father." The complainant's friend did not hear the complainant say anything to the officer about his daughter and did not recall whether the complainant or the named officer spoke to the complainant's daughter. He did not know where the named officer was in proximity to the complainant's daughter. The named officer denied that the complainant said anything to him at the scene about his daughter. The officer said he saw a woman on the sidewalk talking on a cell phone but did not know who she was and did not recall what she was saying. The officer saw a woman screaming at him and other officers who were present from a doorway but could not discern her age because it was dark. The named officer said he had no contact with the complainant after booking him in at the station and does not know anything about the complainant's transport to the jail or about the complainant asking to make a phone call. The complainant made statements about other elements of this incident and about his activities that were contradicted by other statements and evidence. The complainant's and witness' account of the daughter being inside the house and coming out after the witness tells her that her dad is being arrested is markedly different from the daughter's insistence that she was on the sidewalk the entire time witnessing her dad's interactions with the officer. Certainly, all witnesses, including the officer establish that the daughter was present during her dad's arrest. It is not clear however for how long and where she was and the degree to which she was identified as the complainant's daughter. Given these inconsistencies, OCC recommends a training failure so that the officer can be retrained about his duties concerning the children of arrested adults.

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DATE OF COMPLAINT: 03/25/08 **DATE OF COMPLETION:** 03/27/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers entered the residence without cause.

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

FINDINGS OF FACT: The complainant stated that two officers rushed inside her residence without a consent or probable cause. The named members stated that they entered the residence “in hot pursuit” of a wanted felon who resided in that residence. The statements from six other SFPD members involved in this incident were inconclusive as to the legal grounds for the entry. No additional witnesses came forward. The Department records showed that a person previously residing in the house was indeed wanted on a felony warrant. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers searched the residence without cause.

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

FINDINGS OF FACT: The complainant stated that the officers came inside and searched her residence without any legitimate reason. The named members stated that they searched the residence because one of them saw a person matching the description of a wanted felon enter the house. The officers’ search did not produce any positive results. The statements from six other members involved in this incident were inconclusive as to the reasonableness of the search. No additional witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers displayed the weapons without justification.

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

FINDINGS OF FACT: The complainant stated that the officers displayed their weapons without any legitimate reasons. The named members stated that they indeed had their guns drawn because they were in hot pursuit of a murder suspect. The statements from six other members regarding the issue were inconclusive. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers behaved in a threatening and intimidating manner.

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

FINDINGS OF FACT: The complainant stated that the officers' threatening and intimidating manner during the incident made her feel degraded. The named members denied acting in the alleged manner. The statements from six other officers involved in this incident were inconclusive regarding the issue. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #9-10: The officers detained the complainant's nephew without justification.

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

FINDINGS OF FACT: The complainant stated that the officers did not have any legitimate reasons to detain her underage nephew during the search of the residence. The named members stated that they detained the minor while securing the premises during the search for a wanted felon in the house. The statements from six other officers involved in this incident were inconclusive as to the reasonableness of the named members' belief that they were in hot pursuit of the person wanted for murder. No other witnesses came forward. The available evidence was insufficient to determine whether, in fact, the officers' concern for their safety at the time of this incident was legitimate and to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer used profanity at the scene.

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

FINDINGS OF FACT: The complainant stated that one of the first two officers who entered her residence used profanity against her. The complainant could not provide an adequate description of this officer due to her bad eyesight. One of those members denied any use of profanity and the other stated that he did not know whether any profanity was used. There were no other witnesses to this part of the incident. The available evidence was insufficient to name any specific officer on this allegation and to either prove or disprove it.

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OCC ADDED ALLEGATION

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

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

FINDINGS OF FACT: The allegation was filed because the report was ambiguous and vague regarding the timeline of events and the involvement of several other officers in the entry and search of the complainant's residence. The officer who prepared the report stated that it was "absolutely accurate and complete." The statements from the complainant and seven other members involved in the incident were inconclusive and contradictory. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit, 3rd Floor
25 Van Ness Street Avenue
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS # 1-3: The officers discharged their firearms without cause.

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

FINDINGS OF FACT: Three occupants inside a vehicle suspected to have brandished and in possession of a handgun evaded police in a vehicle pursuit from Mission district to Treasure Island. Two complainants in the vehicle believed they could not be fired at unless the vehicle was used to intentionally run over an officer.

The identified officers discharged their weapons in the area of the entry gate at Treasure Island. They stated that the vehicle had failed to yield to numerous police vehicles with activated lights and sirens. The driver had evaded numerous officers who were closing several gates to Treasure Island exit. Furthermore, the driver unexpectedly drove his vehicle against traffic and accelerated directly at an officer exiting his patrol vehicle. Two other officers who were approaching the last open gate to close it were almost run over by the complainant's vehicle when it veered and partially crashed into a gate. The three subject officers discharged their firearms in fear for their lives, that of other officers and the public in general. They fired at the driver at least seven times and struck the driver and the front passenger.

The preponderance of evidence established that the complainant demonstrated a willingness to take desperate measures to avoid arrest and drove with wanton and reckless disregard for the safety of officers who were trying to stop him, and would have likely endangered the lives of innocent bystanders and motorists alike if a pursuit had continued onto Interstate 80 and the Bay Bridge. The officers' use of deadly force was objectively reasonable under these circumstances. The officers' discharges were therefore lawful and proper.

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SUMMARY OF ALLEGATIONS # 4-10: The officers used excessive force during the detentions and arrest.

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

FINDINGS OF FACT: The two complainants and a passenger in complainant's vehicle stated that excessive force was used upon them during their felony extractions.

The subject officers assisted other officers in removing the occupants from complainant's car when the suspects failed to follow verbal commands to exit and denied using excessive force. All officers who were in the vicinity of complainant's car stated that they did not observe excessive force being used. There were no other known witnesses who could either prove or disprove the allegation. The suspects were transported for medical evaluation due to gun shot wounds or other injuries caused during the final collision or when taken into custody.

There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 11: The officers used excessive force during the detentions and arrest.

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

FINDINGS OF FACT: This allegation has been referred for investigation to its appropriate jurisdiction:

San Francisco Sheriff's Department
Investigative Services Unit,
25 Van Ness Avenue, Room 350
San Francisco, CA 94102

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OCC ADDED ALLEGATIONS:

SUMMARY OF ALLEGATIONS # 1-6: The officers failed to follow proper procedures as detailed in DGO 5.05.

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

FINDINGS OF FACT: The evidence established the officers responded to a vehicle pursuit in progress before its conclusion, but the evidence obtained in the process of the OCC investigation proved inconclusive to determine whether or not they responded in an emergency (Code 3) mode. Witnesses stated there were multiple unidentified units responding in an emergency mode to Treasure Island at different times. There was insufficient evidence to either prove or disprove the officers responded in an emergency mode in violation of Department General Order 5.05.

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SUMMARY OF ALLEGATIONS #7-15-: The officers failed to follow proper procedures as detailed in DGO 5.05.

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

FINDINGS OF FACT: The OCC investigation established the subject officers either responded in an emergency mode, joined the vehicle pursuit or decided to go to Treasure Island as back up, when the pursuit had been specifically limited to three vehicles by a supervisor and without asking a supervisor for permission. Officers stated that they heard the broadcast and did not participate in the pursuit but responded as back up as they got onto the freeway and Bay Bridge because they knew that the pursuit was in that direction. They did not recall hearing the supervisor's broadcast that he only wanted the primary and secondary units or other units' calls asking for permission to join or respond. There was heightened excitement and they did not pay attention or the radio sound was covered by traffic noise. They did not communicate with dispatch during pursuit but activated their lights and siren when they heard him broadcast that there had been shots fired. They stated that they were not required to notify a supervisor when leaving the area for a Code 33. Two of the officers stated that they were "specialists" and as such, directed by DGOs to respond as back up, in the event they were needed at the chase termination point. Others assigned to Southern District stated that they headed onto the Bay Bridge and the island as it was within their district and that they did not need to notify their supervisor.

The subject officers were inconsistent in their understanding of the applicable procedures when there is a Code 33, where other units have responded and where specific additional assistance has not been requested or authorized. Some stated an unwillingness to get on the air to avoid interfering with radio traffic during the Code 33 while one unit used the MDT to communicate with dispatch. The general impression is that units knew of the impending or actual pursuit and some remained uninvolved until they believed it was time to go Code 33 and actively assist. They were reluctant to use the radio and while one unit used the MDT, others simply did not call in.

As a consequence, supervisors and the communication division did not know at any one time, where units were, who was in the vicinity and could respond as back up, or whether there were units available to respond to calls within the various districts in the City. It is believed that a consistent department policy, practice and training related to responding as back up during a Code 33 and communications with supervisors as well as dispatch would improve coordination in a situation such as the pursuit into Treasure Island.

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DATE OF COMPLAINTS: 04/11/06 **DATE OF COMPLETION:** 03/19/08 **PAGE # 5 of 11**

SUMMARY OF ALLEGATIONS # 16-25: The officers failed to follow proper procedures as detailed in DGO 1.03.

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

FINDINGS OF FACT: The findings and analysis applicable to the foregoing section (re failure to follow 5.05) are also applicable to this section. Please see the above, which is incorporated here by reference.

SUMMARY OF ALLEGATIONS #26-27: The officers failed to follow proper procedures as detailed in DGO 5.02.

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

FINDINGS OF FACT: The complainants said they saw several officers aiming their weapons at them while issuing verbal commands at the pursuit termination point. They also stated they could not exit on their own due to the gunshot wounds to their torso or extremities.

The officers stated after hearing the suspects were armed, had rammed a police vehicle, had attempted to run over several officers at the Treasure Island gates, had collided with a Sheriff's van, and then purposely collided head-on into their police vehicle, they reasonably believed it was likely that there would be a shootout at the pursuit termination point. They therefore drew and aimed their firearms at the suspects while they were inside their vehicle, and issued verbal commands to come out of the car. The officers' actions were lawful and proper.

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SUMMARY OF ALLEGATIONS #28: The officer failed to follow proper procedures as detailed in DGO 5.02.

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

FINDINGS OF FACT: The preponderance of the evidence established that one of three officers near the Treasure Island entry gates discharged a round toward the fleeing vehicle approximately 150 toward the suspects' vehicle while it zigzagged on the roadway to avoid oncoming traffic and evade arrest. The round struck the hood of a civilian vehicle approaching the main gates. The discharge background was dark, and officers were unfamiliar with the background in the area. It is common knowledge that people cannot stay overnight on boats in the marina on the left background of this discharge. Homicide detail could not establish the location of impact, and the round could not be located for ballistic comparison. There were too many undetermined variables to establish the identity of the shooter or whether or not the officer used extreme care under the circumstances. There is insufficient evidence to either prove or disprove the unknown officer did not use extreme care so as to not endanger innocent persons or jeopardize private property.

SUMMARY OF ALLEGATION #29: The officer(s) failed to prepare a complete and accurate report.

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

FINDINGS OF FACT: The officer gave three slightly different accounts of how the driver of the suspects' vehicle made a U-turn on California Avenue when his vehicle collided against the officer's marked unit but this is not unusual in a situation such as this. The officer stated to OCC that he was certain the collision was intentional. Two other officers in other marked units and two witnesses gave conflicting statements. The evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #30-31: The officer(s) failed to prepare a complete and accurate report.

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

FINDINGS OF FACT: The subjects of this allegation reviewed four investigative traffic collision reports, which were found to not have been complete and/or to conform to California Highway Patrol reporting standards. It is believed that training in this area of supervision would be advantageous to both the subjects and the department.

SUMMARY OF ALLEGATION #32-34: The officers failed to properly supervise.

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

FINDINGS OF FACT: The subject officer was the supervisor of the plainclothes officers against whom allegations have been sustained. He was also supervisor of other units who responded to the incident on Treasure Island. In addition, he was one of the supervisors in charge of the pursuit, along with the other. He stated that he believed that the supervisor “trumped” him and therefore did not stay involved in active supervision of his units or the pursuit. He believed that once the chase moved into another District, he should leave it up to the new District’s supervisor to take it over. Additional training in the area of Code 33 supervision where other supervisors are involved would be most beneficial.

Furthermore, as stated in the foregoing section, the subjects of this allegation reviewed four investigative traffic collision reports, which were found to not have been complete and/or to conform with the California Highway Patrol reporting standards. It is believed that training in this area of supervision would be advantageous to both the subjects and the department.

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SUMMARY OF ALLEGATION #35-40: The officers failed to report and document the use of force.

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

FINDINGS OF FACT: The complainant and two witnesses on scene stated several unidentified officers used excessive force upon each of them during their extractions from their vehicle. The officers stated they assisted other members to conduct felony extractions of the three suspects from the vehicle after they failed to respond to commands to come out with their hands up. Medical evidence was inconclusive to determine whether the abrasions to their face and extremities were sustained as a result of the vehicle collision or force during their arrest and/or detentions. Other witnesses on scene could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #41-43: The officers failed to properly secure or preserve a crime scene.

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

FINDINGS OF FACT: One complainant stated he was shot six times and another complainant said he was shot once. Four civilian witnesses stated to OCC they were inside a vehicle when an officer in the area by the entry gates at Treasure Island shot a round and struck the hood of their vehicle while they were in it. The officers stated they were either the first officers to arrive at either the pursuit termination point, where an unidentified officer put up "police line" yellow tape around the suspect's vehicle inside the crime scene perimeter or at the Officer Involved Shooting Crime scene, where only seven casings were located. The officers at the Officer Involved Shooting Crime Scene located all the casings before Crime Scene Investigation personnel arrived. All officers interviewed denied putting up yellow tape around the suspects' vehicle, in addition to the outer perimeter set at the pursuit termination point. The preponderance of the evidence established there is an inconsistency between the number of casings located at the Officer Involved Shooting crime scene and the number of gunshot wounds plus a hole in the hood of a civilian vehicle. Neither an 8th casing nor the round that struck the civilian car could be located inside the scene or engine block. There was conflicting evidence on scene and inconclusive evidence, which was not rectified during the homicide investigation of this officer involved shooting. There is insufficient evidence to either prove or disprove that the two crime scenes were secure in a proper manner.

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SUMMARY OF ALLEGATION #44-46: The officers failed to properly secure evidence.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officers knew a round struck a civilian vehicle but the round could not be located to match it with one particular shooter, and the named officers were told by other officers that the civilians did not actually witness any officer shooting. There were conflicting statements among the two group of officers about whether the named officers knew or not that a Russian speaking officer had been requested to interpret for the civilians in the vehicle struck. No Russian-speaking officer responded and no additional efforts were taken to seek and obtain an interpreter through International Effectiveness. Instead, a friend of one of the civilians responded and facilitated communications between the parties. Consequently, clarification of the four civilians was not established according to department procedures and their information was not taken into consideration during the department's administrative investigation or during its deliberations for the weapons review discharge board. The potential evidence was determined to be either unavailable or irrelevant and it was not considered for administrative review regarding the officers' discharges. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #47-48: The officers failed to seek and obtain an interpreter.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officers involved in identifying four Russian-speaking witnesses to the officer involved shooting sought a Russian speaking officer but failed to obtain any response from a member on duty. The evidence further established the policy at the time lacked sufficient specificity as the current affirmative policy to require sworn members to use alternative means to obtain interpreters not affiliated by blood to the witnesses in order to provide interpretation commensurate with the standards warranted for a homicide officer involved shooting investigation. Therefore, the evidence proves that the alleged act occurred but there was inadequate Department policy, and inexistent training. However, the OCC recommends that the training currently under development by the San Francisco Police Department together with the OCC ensures that all members receiving compensation for interpretation services, whether self identified or certified by the Department of Human Resources as qualified interpreters, receive adequate training in the duties and responsibilities delineated in Department General Order 5.20.

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SUMMARY OF ALLEGATION #49-52: The officers detained witnesses without cause.

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

FINDINGS OF FACT: A large number of witnesses, bystanders, visitors, and residents were unable to enter or leave Treasure Island. There is one major thoroughway into and out of Treasure Island. The following police scenario was present from the top of Treasure Island Drive to more than a mile into the island due to a vehicle pursuit, which ended inside Treasure Island: Two crime scenes related to an officer involved shooting resulted in two civilians being shot; three traffic collisions at three different locations involving law enforcement vehicles resulting in one injured civilian and two police officers, all requiring transport for medical evaluation; four traffic collision investigations; a group of Russian speakers in need of interpretation and subsequent transportation from Treasure Island due to their vehicle being seized as evidence; and teams of homicide, photo lab, and crime scene investigators roving from one scene to another to conduct preliminary investigations while crime scenes were established, physical evidence was preserved, and witnesses were identified before transporting them and officers to the homicide detail for statements before the crime scenes could be broken down. The preponderance of the evidence established this chaotic scenario required San Francisco Police Department members to temporarily disturb or prevent the movement of civilians into and out of these crime scenes until their work was completed as soon as it was reasonably possible.

SUMMARY OF ALLEGATION #53-55: The officers failed to provide prompt medical attention.

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

FINDINGS OF FACT: The evidence established that one of the officers summoned for an ambulance and others actually contacted Medic unit 8 soon after learning a juvenile diabetic was in need of medical attention. The juvenile diabetic stated he was not provided with insulin because the paramedics needed parental consent and were not present. The San Francisco Fire Department paramedics do not carry insulin and the protocol is to get the patient in contact with a physician on duty if he/she refuses transport to allow medical evaluation. Unless the patient is in a health threat status, transport is voluntary. The preponderance of the evidence suggest the juvenile diabetic did not want his parents contacted, declined transport to San Francisco General Hospital, and sought medication on his own. The preponderance of the evidence established that the alleged failure or inaction did not occur.

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DATE OF COMPLAINTS: 04/11/06 **DATE OF COMPLETION:** 03/19/08 PAGE # 11 of 11

SUMMARY OF ALLEGATION #56-57: The officers failed to notify the parents of a minor under SFPD control.

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

FINDINGS OF FACT: The evidence established a juvenile diabetic among a group of Russian speaking witnesses found himself temporarily detained at Treasure Island because the vehicle used by the witnesses was struck by a round during an officer involved shooting and was seized as evidence. The juvenile was provided medical assessment on scene; however, the evidence suggests the juvenile did not want his parents contacted and refused transport for medical evaluation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 58-61: The officer(s) failed to follow proper procedures as detailed in DGO 5.05.

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

FINDINGS OF FACT: The officers initiated a vehicle pursuit when there was no emergency and in an unmarked vehicle without a light bar, and furthermore failed to follow procedure in violation of Department General Order 5.05. Furthermore, when the officer called dispatch for a marked vehicle, he did not provide accurate information regarding the gun by characterizing the activity as “brandishing”, and the officers failed to correct this characterization. Their failure to properly assess and/or communicate the activity was material to the events that followed and could have served to prevent them. The allegations of neglect of duty against the officers for failure to follow proper procedures as detailed in Department General Order 5.05 are therefore sustained.

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DATE OF COMPLAINT: 06/05/06 **DATE OF COMPLETION:** 03/07/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer detained and arrested the complainant's grandson without cause.

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

FINDINGS OF FACT: The complainant stated that the officer should not have arrested and cited the complainant's grandson for possession of "BB guns" since what he brought to school were merely "toy guns." The officer stated that she arrested and cited the complainant's grandson for bringing two imitation guns to school, violating Municipal Police Code Section 602. The officer stated that it was a practice in the SFPD Youth Services Unit to deal with similar violations by citing violators under that particular section. The evidence proved that the act by the member was justified by Departmental policy, procedure, or regulation. However, the OCC recommends a change in the particular policy, procedure, or regulation.

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The officer admitted that she incorrectly wrote the wrong date on the citation. While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to complainant or others).

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SUMMARY OF ALLEGATION #3: The officer failed to comply with the provisions of the Department General Order 7.01 (Juvenile Policies & Procedures)

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

FINDINGS OF FACT: The complainant stated that the officer failed to notify her, as the minor's guardian about his arrest, but instead called the boy's mother. The SFPD DGO 7.01 requires officers to notify the minor's guardian, parent or responsible relative (in no specific order) if the minor is taken into police custody and/or brought to a law enforcement facility. The DGO 7.01 also requires officers to document the notification in their incident reports. The incident report, prepared by the named member, contained the names and contact information of both the complainant and of the boy's mother, but it did not mention specifically whom and when the officer called. The named member could not recall whom specifically she notified about the boy's arrest and she could not provide any explanations as to why the report was not sufficiently specific about the notification. The available evidence showed that the officer complied with the SFPD DGO 7.01 and made the required notification but failed to include specifics of this notification in the related incident report. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officer "paraded" her handcuffed grandson on the school ground in front of the minor's peers for "over thirty minutes." The complainant was not present at the scene and based her account of what happened from information received from her grandson. The named member denied acting in the alleged manner. The complainant's grandson told the OCC that two different police officers walked him straight to the patrol car and the named member was not involved in this process. The evidence proved that the act alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant's grandson excessively tight.

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed her grandson excessively tight. The complainant was not present at the scene and based her account of what happened from information received from her grandson. The named member told the OCC that she was not involved in the complainant's handcuffing. In his OCC statement, the complainant's grandson also stated that two different officers placed him in handcuffs and, although they were very tight, he did not complain of pain and never asked the officers to loosen the handcuffs. The evidence proved that the act alleged against the named officer did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officers arrested him due to racial bias. He admitted, however, that he was intoxicated and that he punched the man who signed a citizen's arrest against him. The officers properly arrested the complainant for public intoxication and assault.

SUMMARY OF ALLEGATION #4-6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that, due to racial prejudice, the officers failed to help him retrieve his coat. The complainant admitted to taking off his coat and leaving the area before the police arrived. The officers were not required to look for the complainant's coat.

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

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

FINDINGS OF FACT: The complainant said her 28-year-old son told her that the police punched and slapped him on the face during his arrest. The officers denied the allegation. Witnesses did not respond for an interview. The complainant and son did not respond to request for medical release and has not responded to attempts to contact the OCC. There is insufficient evidence to prove or disprove the allegation without further information from the complainant's son.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated she was on the phone with her son when he asked the officer why they took his shoes and said the officer responded using profanity. The officers denied the allegation. The complainant's son did not come forward for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that her daughter in-law went to retrieve her son's property but his shoes and chain were not listed as property and not given to her. The officers denied taking the complainant's son's shoes or chain. The officer denied the allegation. The complainant's son did not come forward for an interview. 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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DATE OF COMPLAINT 06/15/07 **DATE OF COMPLETION:** 03/19/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The officer denied the allegation, stating he conducted a legal u-turn in a intersection giving himself adequate room to complete the turn. The officer denied driving the patrol car directly towards the complainants. The officer stated he observed the complainants sitting on the northeast corner with their feet extended into the street. The officer said the closest distance between his patrol car and the complainants was approximately 10 feet. The officer stated at no time did the complainants jump back on the sidewalk. The witness officer corroborated the account of the named officer. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainants said the officer smirked and made a comment as they passed by in the patrol car. The officer denied the allegation. The officer said he asked the driver to stop the patrol car near the complainants. The officer stated he advised the complainants of the danger of sitting in the street with their feet dangling in the street as a safety precaution. The witness officer corroborated the account of the named officer. The complainants could not articulate the comments made by the named officer. No other witnesses came forward. The complainant failed to provide requested evidence.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating she did not recall the phone call that the complainant is alleging. The officer said she can only assume her demeanor was professional.

OCC reviewed the audio tape supplied by the complainant. OCC found no merit to the allegation. The officer handled the call in an appropriate manner. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he offered the complainant the opportunity to document his allegation by making a police report. The officer said he was courteous, respectful, and professional.

OCC reviewed the audio tape supplied by the complainant. The officer terminated the initial call, due to the complainant's behavior and his refusal to a taped conversation. The officer drove to a police station to interview the complainant regarding his allegation on a second attempt. The tape reveals the interview was terminated due to the complainant's agitated state. The officer is heard attempting to speak to the complainant in a civil manner. The evidence proved that the acts which provided the basis for the allegations occurred; however, there is no evidence that the officer and the complainant engaged in a further discussion once the tape was turned off. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer entered and searched the residence without cause.

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

FINDINGS OF FACT: The senior officer at the scene stated that the entry and search of the residence was made in pursuit of a wanted murder suspect. The Department records and the statements from several other officers involved in this incident were inconclusive and contradictory. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member stated that he determined there was probable cause for the co-complainant's arrest based on the evidence discovered during the search of the residence. The Department records and the statements from several other officers involved in the incident were inconclusive and contradictory. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer's detained individuals without justification.

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

FINDINGS OF FACT: The senior officer at the scene of this incident stated that several individuals were detained and arrested during the police search at the residence of a wanted murder suspect. The Department records and the statements from several other members were inconclusive to determine whether the police had probable cause to enter the residence and conduct a search under the stated reasons. No additional witnesses came forward. The available evidence was insufficient to name any specific member on the allegation and/or to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4: The officer handcuffed a minor without justification.

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

FINDINGS OF FACT: All members questioned in connection with this incident denied handcuffing the co-complainant's underage son. No other witnesses came forward. The available evidence was insufficient to identify the officer responsible for the alleged misconduct and to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer used unnecessary force during a police action.

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

FINDINGS OF FACT: The named member stated that the complainant dropped on her buttock when the officer grabbed the complainant's hands and pulled her out of the doorway. The officer articulated the reasons for such actions and denied that the force was in any way excessive. Several other officers questioned in connection with this incident, in essence, supported this statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6: The officer failed to properly document property.

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

FINDINGS OF FACT: The officers intentionally changed (increased) the amount of cash that was seized during the incident. The officers questioned in connection with this incident denied any knowledge regarding the alleged money count. The complainant could not provide any identifying information regarding the officer(s) who was involved in the alleged misconduct. No other witnesses came forward. The available evidence was insufficient to identify the member responsible for the alleged misconduct and either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer(s) engaged in an inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The officers questioned in connection with this incident denied acting in the alleged manner and/or making the alleged comments. The complainant could not provide any identifying information regarding the officer(s) responsible for the alleged misconduct. No other witnesses came forward. The available evidence was insufficient to name any specific member and to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #8: The officers failed to provide names and star numbers upon request.

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

FINDINGS OF FACT: The officers questioned in connection with this incident did not recall anyone asking their names and/or star number during the event. The complainant could not provide any identifying information regarding the identity of the officer(s) who were engaged in the alleged misconduct. No other witnesses came forward. The available evidence was insufficient to name any specific member and either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/11/07 **DATE OF COMPLETION:** 03/17/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: This allegation raises matters with another agency and not within the OCC's jurisdiction. It has been referred to:

San Mateo County Sheriff's Office
Support Services Division
400 County Center
Redwood City, CA 94063

SUMMARY OF ALLEGATION #2-3: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated she was missing money from her purse. The officers denied taking the complainant's money. There is insufficient evidence to prove or disprove that the officers took her money. There were no witnesses.

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DATE OF COMPLAINT: 07/11/07 **DATE OF COMPLETION:** 03/17/08 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: This allegation raises matters with another agency and not within the OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/30/06 **DATE OF COMPLETION:** 03/19/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer investigated the complainant without a legitimate reason.

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

FINDINGS OF FACT: The complainant stated that the officer did not have any legitimate reason to investigate and query his name via police databases. The Department records showed that the officer received a report about the complainant being involved in a potential crime and had a legitimate reason to query the complainant's name via the law enforcement databases. The available evidence showed that the acts, which provided the basis for this allegation, occurred but such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: San Francisco Police Department personnel engaged in an inappropriate conduct.

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department personnel inappropriately shared his information obtained from law enforcement sources with the school administration. The Office of Citizen Complaints found that the existing policy concerning exchange of information between San Francisco Police Department and the San Francisco Unified School District was unclear and contradictory. The Office of Citizen Complaints recommends a change in the particular policy, procedure, or regulation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/16/07 **DATE OF COMPLETION:** 03/26/08 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: The officer racially profiled the complainant.

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

FINDINGS OF FACT: The complainant said the officers arrested him because of his race. The officer denied the allegation. The arrest was based on a violation of the law 148 PC by the complainant's interfering in the officers undercover operation. The complainant also admitted he identified an undercover officer to an individual at the scene.

SUMMARY OF ALLEGATION #2-4 The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was playing chess and was not doing anything wrong. The officers denied the allegation. The officers stated the basis for the arrest was a violation of 148 interfering by verbally and physically identifying undercover officers during a police buy/bust operation. The complainant admitted he greeted an undercover officer that arrested him previously and that he identified a plainclothes officer to an individual at the scene.

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SUMMARY OF ALLEGATION #5-6: The officers failed to properly process property

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

FINDINGS OF FACT: The complainant stated that when the officers searched him at the scene they removed his video camera from his pocket and put it on the table. However, the officers did not list the camera on his property receipt. The officers denied seeing and removing a video camera from the complainant's pocket. No witnesses came forward. 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 officer made inappropriate comments and behavior.

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

FINDINGS OF FACT: The officers denied the allegation, stating they were professional during the contact. One officer said they did not berate, humiliate or was rude to the complainant. Both officers said the complainant displayed aggressive behavior. One officer said the complainant was aggressive, yelling, rude, degrading and not listening to commands. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Both officers denied the allegation, stating they observed the complainant walking in the street. The citing officer said he observed the complainant dart between two parked cars and walk in the lane of traffic with vehicles. The complainant admitted he walked into the street and around five cars to get around a group of people. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: Both officers denied the allegation. One officer said the complainant became immediately aggressive, yelling and not listening to commands. The officer said the complainant told him he was not going to stop, then told the officer he was not going to stop him. The other officer said the complainant at first, refused to show his hands. Both officers stated for their safety, the complainant's safety and the safety of nearby large crowd, the complainant was handcuffed while the officer wrote the citation. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer pat searched the complainant without cause.

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant became immediately aggressive upon stopping him for a violation. The complainant shouted he did nothing wrong and that he was not going to stop him. The officer stated the complainant refused to comply with the officers. The officer said he conducted a pat search on the complainant for weapons. The witness officer said the complainant refused to show them his hands. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer issued a citation without cause.

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

FINDINGS OF FACT: The officer denied the allegation, stating he observed the complainant dart between two parked cars and walk in the lane of traffic with the vehicle. The witness officer corroborated the complainant walked in the street. The complainant admitted he walked into the street and around five cars to get around a group of people. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force while detaining an individual.

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not use any force, he simply placed his knee on the shoulder of the individual to hold him down. The officer stated the male subject was placed on the ground before he arrived to assist. Both witness officers stated the male subject was resisting and was rolling on the ground to avoid being handcuffed. Both witness officer denied any use of force by the named officer and corroborated his account of the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in this complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant made a smart comment to him, but he couldn't understand what he was talking about. The officer said the complainant was upset with the police action. The named officer said no one spoke to him about making a complaint. Both witness officers stated they did not observe the named officer in dialogue with any bystander. Both witness officers said the named officer was calm throughout the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in this complaint.

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SUMMARY OF ALLEGATION #1-2:The officers selectively enforced the law.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation.

SUMMARY OF ALLEGATIONS 3-4: The officers acted in a threatening and intimidating manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation.

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SUMMARY OF ALLEGATION #5: The officer issued an inaccurate citation.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation.

SUMMARY OF ALLEGATION # 6: The officer towed a vehicle without justification.

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

FINDINGS OF FACT:

The complainant failed to provide additional requested information needed to further the investigation

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SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation.

SUMMARY OF ALLEGATIONS 8-9: The officers searched a vehicle without cause

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation.

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SUMMARY OF ALLEGATION #1-2:The officers selectively enforced the law.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation.

SUMMARY OF ALLEGATIONS 3-4: The officers acted in a threatening and intimidating manner.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation.

SUMMARY OF ALLEGATION # 6: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation

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SUMMARY OF ALLEGATION #7:The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer and other officers denied the allegation. A civilian witness did not corroborate the complainant's allegation against the officer. No independent witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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 write an Incident Report and failed to give him the incident report number. The officer denied that he failed to provide the complaint with the Incident Report number. Department records show that an incident report was prepared. There is insufficient evidence to either prove or disprove that the officer failed to provide the complainant with the incident report number. There is a dispute that the complainant asked for the Incident Report number.

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

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

FINDINGS OF FACT: The complainant stated the officer detained him without justification. The officer denied the allegation and said that the complainant was detained pending a criminal investigation. The totality of the circumstances shows that the officer had reasonable suspicion to detain 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 #4: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that he was kicked and thrown to the ground. The officer and other officer denied the allegation. The statement from a civilian witness was inconclusive. No independent witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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 behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that an officer yelled and berated her at the airport for stopping too long in the passenger drop-off zone. The complainant did not identify either of the female officers on duty at the airport on the date in question. A poll of officers failed to identify any officer involved in the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated her husband was arrested without cause. The officer denied the allegation. The investigation showed that the complainant's husband was over the legal alcohol limit while driving. The officers conducted the arrest per department guidelines.

SUMMARY OF ALLEGATION #2: The complainant's vehicle was towed without justification.

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

FINDINGS OF FACT: The complainant stated the officer made the decision to have her car towed as retaliation after expressing that his behavior was unprofessional. The complainant also said that no one asked her or passengers if they could drive. The officer denied the allegation. Another officer conducting the investigation determined that the passengers were not sober to drive. The witnesses stated they had been drinking and although they did not believe to be intoxicated they did not ask the officers if they could drive the car. There is insufficient evidence to prove or disprove the allegation because the sobriety of the passengers was unknown.

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

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

FINDINGS OF FACT: The complainant stated the officer yelled at her and threatened to arrest her after she expressed how she felt about his behavior. The officer denied the allegation. Another officer said that he could hear the complainant being loud but did not recall what she said while speaking with the sergeant. One witness did not witness the interaction. Another witness said that the officer raised his voice at the complainant. This witness also stated that he and other passengers had been drinking but did not believe they were intoxicated. There is insufficient evidence to prove or disprove the allegation because it is unknown whether or not the complainant and witnesses were intoxicated at the time.

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 she asked for the officer name and star number and he responded that it would be on the citation. The officer denied the allegation. One witness said that the officer told the complainant that the badge number is on the ticket and not to worry about it. There is insufficient evidence to prove or disprove the allegation because it is unknown whether or not the complainant and witnesses were intoxicated at the time.

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

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

FINDINGS OF FACT: The complainant could not identify the officers who engaged in the improper conduct. The officers who were at the scene denied the allegations. A witness denied that the alleged comments were made or the behavior engaged in, although that witness was not present for the entire contact among the officers and the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant could not identify the officer who used unnecessary force. The officers at the scene denied the allegation. A witness denied seeing any unnecessary force, but conceded not being present for the entire incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was harassed by two officers who came to his residential hotel and questioned him. Computer-aided dispatch records documented a 911-telephone call made by the complainant before the officers' arrival. According to dispatch records, the complainant hung up and did not answer the phone when the dispatcher called him back. Two officers responded to the complainant's residence. The officers stated there was no merit to the complainant's 911 call. The officers' conduct was proper.

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

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

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

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SUMMARY OF ALLEGATION #1: The officer failed to properly operate a Department vehicle.

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

FINDINGS OF FACT: The complainant stated the officer made an unsafe lane change in front of him. The officer stated she did not drive her Department issued vehicle erratically or in an unsafe manner. The complainant refused to provide witness information. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation without cause. The complainant stated he had a valid Waybill and did not resist or delay the officer's investigation. The officer stated the complainant did not have a valid Waybill and was argumentative and disruptive. The officer stated she issued a citation to the complainant. The complainant refused to provide witness information. The complainant submitted a Waybill to OCC as evidence. The Waybill was not completed correctly. The evidence shows that the complainant did not have a valid Waybill per Airport Rules and Regulations. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer acted erratic, irrational, frantic, and exhibited frenzied behavior toward him. The complainant stated the officer frantically yelled and waved her hand at him while he was driving his vehicle in traffic. The officer denied the allegation and said she was calm and professional with the complainant. The officer further stated the complainant was yelling, argumentative and almost struck her as he accelerated his vehicle to leave the scene. The complainant refused to provide witness information. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer detained the complainant.

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

FINDINGS OF FACT: The complainant stated the officer detained him for no reason. The complainant stated he had a proper Waybill when the officer detained him and his passenger. The officer stated the complainant was detained due to a response to complaints regarding illegal soliciting by limousine drivers at the Airport. The complainant refused to provide witness information. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he could not identify the involved officer and requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to maintain required knowledge.

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

FINDINGS OF FACT: The complainant stated he could not identify the involved officer and requested a withdrawal of the complaint.

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SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take required action:

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

FINDINGS OF FACT: The complainant raised concerns about the conduct of an investigation conducted by the Department's Special Investigations Division (SID) as described in a lengthy press article. The article focused on the Department's accessing of call records for telephones in the Hall of Justice pressroom. It questioned the legality of this action and raised concerns about whether Department regulations concerning first amendment activities had been violated.

The Office of Citizen Complaints investigation into this complaint determined that the accessing of the pressroom telephone records did not violate Department regulations or relevant laws. The City Attorney's office stated they advised the Officer in Command of the SID that the Department could legally access these records since the phone lines were paid for and operated by the Department and not by the press organizations. Prior to accessing these records, the Department also determined that there were no agreements creating confidentiality in the phone billing records. The City Attorney's office also stated it advised the Officer in Command of the SID that there were no procedural requirements related to first amendment concerns with which the Department needed to comply.

The Office of Citizen Complaints investigation determined that the actions of the SID in conducting this investigation were justified by existing Department policies and procedures; however, the Office of Citizen Complaints recommends changes in Department policies and procedures.

- 1) The Officer in Command (OIC) of the SID, who had extensive expertise concerning Department General Order 8.10, Guidelines for First Amendment Activities, found that this General Order did not apply because the focus of the criminal investigation was not on a first amendment group. The City Attorney's office concurred. While members of the press were not a focus of this investigation, the Department investigation did involve accessing records that could have yielded information concerning the actions of members of the press. These records were not accessed for this purpose. Department General Order 8.10 should be revised to address the issue of investigations not focusing on first amendment activities but that do involve obtaining information concerning first amendment activities.
- 2) The OIC of the SID stated he received approval from the City Attorney's office for the accessing of the pressroom phone records and for the accessing of Department phone records. The OIC of the Department's Legal Division stated he also received this opinion from the City Attorney's office.

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However, the City Attorney's opinions were not formally memorialized in writing. The OIC of the SID orally relayed the approval from the City Attorney's office to the case investigators. The issues raised in this complaint could have been addressed more directly and expeditiously had the City Attorney's opinions been memorialized in writing. Department procedures, especially those of the Special Investigations Division, should be revised to require that opinions from the City Attorney's office should be memorialized by the officer or officers who receive them.

3) The Office of Citizen Complaints investigation revealed that during the course of the SID investigation in this case, its investigators accepted information concerning telephone numbers from a private investigator but that they did not explicitly inquire about the source of this information or whether it was obtained legally. The SID investigator emphasized to the Office of Citizen Complaints that the information provided by this individual was the sort of information readily available in the public domain and through various computerized databases, The Office of Citizen Complaints investigation found that acceptance of this information was not a violation of any Department regulation. However, the Office of Citizen Complaints finds that the absence of a specific policy concerning the acceptance of potentially confidential information such as unlisted telephone numbers or telephone records offers the possibility for Department personnel to obtain confidential information they could not otherwise obtain without a warrant or a court order. The Office of Citizen Complaints recommends that the Department adopt a policy addressing this issue.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-4:The officers entered the residence without cause.

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

FINDINGS OF FACT: The officers had a duly executed Search Warrant. The evidence proved that the actions of the officers were justified, lawful and proper.

SUMMARY OF ALLEGATION #5: The officers conducted themselves in an inappropriate manner.

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

FINDINGS OF FACT: The officers at the scene all denied committing the alleged act or having any knowledge of any other officer having done so. The complainant was not present at the time of the incident and relied on witness information. None of the witnesses responded to the OCC's requests to be interviewed. There is no direct evidence that the alleged act occurred therefore no finding can be reached.

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SUMMARY OF ALLEGATION #6:The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The officers at the scene all denied damaging or having any knowledge of the alleged property damage. The complainant was not present at the time of the incident and relied on witness information. None of the witnesses responded to the OCC's requests to be interviewed. There is no direct evidence that the alleged act occurred therefore no finding can be reached.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force during an arrest.

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

FINDINGS OF FACT: The complainant stated he witnessed the officers use excessive force during an arrest. The officers denied the allegation. Efforts to locate and interview the subject arrested were unsuccessful. No witness 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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DATE OF COMPLAINT: 10/12/06 **DATE OF COMPLETION:** 03/24/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1:The officer cited the complainant for a traffic infraction without cause.

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

FINDINGS OF FACT: The complainant stated he was driving but stopped at the red light he was cited for running. The officer and his partner stated that they saw the complainant fail to come to a stop at the red light. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2and #3: The complainant stated he was detained without justification.

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

FINDINGS OF FACT: The complainant stated he was driving but stopped at the red light he was cited for running. The officer and his partner stated that they saw the complainant fail to come to a stop at the red light. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATION #2: The officer threatened the complainant's son.

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 #1-2: The officers handcuffed the complainant without cause.

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

FINDINGS OF FACT: There was a verbal dispute between several men. The officers handcuffed the complainant while they investigated the dispute. There is sufficient evidence to reach a definitive finding that the officers were within their power to detain the parties and handcuff one or more of the parties, as they were out numbered six to two.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to loosen the handcuffs on the complainant despite complaints of pain.

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

FINDINGS OF FACT: The complainant said his complaints that the handcuffs were too tight were ignored. The complainant's friend corroborated the complainant's statement. One of the named members denied hearing any complaint about tight cuffs and the second officer did not recall any complaint of tight cuffs. No other witness responded to the OCC request for an interview. There is insufficient evidence to reach a definitive finding.

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DATE OF COMPLAINT: 09/19/07 **DATE OF COMPLETION:** 03/07/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant and a witness said the officers were negligent in not talking to all the parties involved in the incident. The officers denied the allegation. The evidence does not support the allegation. No one was arrested and the detention was brief. The officers investigation was proper under the circumstances presented.

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

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

FINDINGS OF FACT: The officer admitted that he handcuffed the complainant and did not provide him with a Certificate of Release. The Department General Orders require that a Certificate of Release be issued to a person who is restrained while detained. There is no question that the handcuffing of a person is physical restraint. Therefore the failure to issue a Certificate of Release was improper.

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SUMMARY OF ALLEGATIONS #1-2: The officers' inappropriate comments.

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

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

SUMMARY OF ALLEGATION #3: The officer used excessive force without justification.

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

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

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DATE OF COMPLAINT: 10/20/06 **DATE OF COMPLETION:** 03/18/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant did not have identifying information for this officer. The sergeant who worked on the complainant did not have identifying information for the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: Neglect of Duty for failure to issue a property receipt.

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

FINDINGS OF FACT: The complainant did not have identifying information for this officer. The sergeant who worked on the complainant did not have identifying information for the officer. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: Unwarranted Action for detention without justification.

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

FINDINGS OF FACT: The complainant did not have identifying information for this officer. The sergeant who worked on the complainant did not have identifying information for the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant did not have identifying information for this officer. The investigation failed to produce evidence of this contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: Unnecessary Force for force used during the contact.

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

FINDINGS OF FACT: The complainant did not have identifying information for this officer. The investigation failed to produce evidence of this contact. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-2: The officers entered and searched the complainant's residence.

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

FINDINGS OF FACT: The two senior officers in charge of this police operation stated that the search of the complainant's residence was conducted because her son was on parole that he lived there, and that the address was listed in the law enforcement databases as his residence of record. According to the named members, the officers were looking for a weapon in the house because, shortly prior, the complainant's son was detained as the suspect in a gun related crime. The Department records supported the officers' statements. Given specific circumstances of this incident, their decision to conduct a search of the complainant's residence was justified and proper.

SUMMARY OF ALLEGATION #3: The officer pointed his weapon at the complainant without justification.

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

FINDINGS OF FACT: The senior officer at the scene denied the allegation. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she was not handcuffed but, due to the large number of the officers carrying guns and searching her house, she felt like she was detained. The senior officer at the scene of the search stated that, to his knowledge, the complainant was never detained during this police operation. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation or name any specific member responsible for the alleged misconduct.

SUMMARY OF ALLEGATION #5: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer in charge made an inappropriate comment. The senior officer at the scene of this police operation stated that he never made this comment and maintained that the complainant was, in fact, treated with “utmost respect” by all involved officers. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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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 named member and initial detaining officer stated that the complaint displayed objective signs of intoxication. None of the witness officers offered their conclusions as to the sobriety of the complainant. Numerous tests were conducted to determine the sobriety of the complainant. The complainant did not know if he had consumed alcohol or not. By a preponderance of the evidence the actions of the officer were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The vehicle was towed because the complainant was taken into custody for public intoxication and because there was no immediate location to legally park the vehicle. DGO 9.06 permits the towing of vehicles when the vehicle cannot be secured, and cannot be released immediately to a person at the scene. The complainant was alone in the car at the time of the detention. Based on the proper conduct of the arrest, the preponderance of the evidence similarly finds the towing of the vehicle to be justified, lawful and proper.

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

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

FINDINGS OF FACT: The alleged conduct of the officer does not rise to the level of misconduct. Witness officers described the named member as, “professional” and or, “polite.”

SUMMARY OF ALLEGATION #4: The officer failed to provide the complainant with required information.

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

FINDINGS OF FACT: The named member and a witness officer said they both informed the complainant of the nature of the detention. The complainant’s signature appears on one of the forms but is conspicuously absent from several others, raising doubt as to whether the complainant was properly informed. Given the conflicting evidence a definitive finding cannot be reached.

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

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

FINDINGS OF FACT: The complainant stated the officers detained him, supposedly for possession of marijuana brownies. The officers said the complainant was detained because he fit the description of a suspect reported to event security as selling marijuana brownies. The event security company had no documentation of detention involving police assistance with a man in the possession of suspicious brownies. Given the lack of evidence supporting the officers' statements of a suspect fitting the complainant's description a definitive finding cannot be reached.

SUMMARY OF ALLEGATIONS #3 and #4: The officers destroyed the complainant's property without cause.

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

FINDINGS OF FACT: The officers said they initially detained the complainant and that event security officers arrived and took over the detention and had the complainant destroy the brownies. A witness officer said she responded regarding an officer detention. The witness officer said when she arrived on the scene there were two San Francisco Police Department officers and at least one event security officer present. The witness officer said the brownies had been destroyed prior to her arrival. The complainant did not mention any event Security officers being present during the incident. The event security company had no documentation of detention involving police assistance with a man in the possession of suspicious brownies. There is inconclusive evidence as to who was responsible for the destruction of the brownies therefore a definitive finding cannot be reached.

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SUMMARY OF ALLEGATIONS #5 and #6: The officer's practiced selective enforcement against the complainant.

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

FINDINGS OF FACT: The officers denied the allegation stating the detention was initiated due to the complainant having fit the description of a suspect. There is no evidence related to a suspect fitting the complainant's description, therefore a dispositive finding cannot be reached.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. The complainant stated that he left his vehicle unattended and in doing so he was in violation of the vehicle code. The complainant stated the officer issued him a second citation when the complainant protested the first citation. The complainant has failed to produce the second citation. The officer was asked in his MRF if he issued the second citation and in his response to the question, he failed to answer the question. The officer has retired from the police department and is no long subject to department discipline

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

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

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

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SUMMARY OF ALLEGATION #1: The complainant made a civil claim alleging mismanagement of property in police custody.

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

FINDINGS OF FACT: The claimant declined to pursue an OCC complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers used force against the claimant.

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

FINDINGS OF FACT: The claimant's civil claim states he was severely beaten by the police. The claimant did not respond for an OCC complaint and interview. The officers denied using excessive force and stated they only used reasonable force to take the complainant into custody. There is not enough evidence to make determination of finding without additional information needed from the claimant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant filed a civil claim with the City of San Francisco. The complainant failed to respond to contact attempts made by this agency.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The evidence proved that the acts which provided the basis for the allegation occurred; however, such action was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer selectively enforced the law.

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

FINDINGS OF FACT: The officer denied the allegation. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #1: The officer caused damage to the complainant's property.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The claimant stated in her Civil Claim Form that her computer was dropped. The officers denied the allegation. There is insufficient evidence to determine who may have dropped the claimant's computer. The claimant did not respond to a letter or calls to pursue an OCC complaint.

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 that he detained the complainant because “the complainant was acting belligerent and refused to comply with my orders to get out of the street and to step onto the sidewalk.” Based on the complainant’s own account of what happened, there is sufficient evidence to establish that the complainant was uncooperative with the officer who was conducting an investigation regarding alleged threats made by the complainant. 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 handcuffed the complainant without justification.

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

FINDINGS OF FACT: The evidence proved that the complainant was lawfully detained, providing the officer authority to place the complainant in handcuffs. 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 #3: The officer behaved inappropriately and made threatening remarks.

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

FINDINGS OF FACT: The officer and his partner denied the allegation. A witness was interviewed by the Office of Citizen Complaints. However, the witness' statement was inconclusive. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The officer and his partner denied the allegation. A witness was interviewed by the Office of Citizen Complaints. However, the witness' statement was inconclusive. 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 wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant alleged that the police report contained inaccurate information. The police report failed to show the alleged inaccurate information articulated by the complainant. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #6: The Department failed to release the Incident Report to the complainant.

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

FINDINGS OF FACT: There is insufficient evidence to identify the involved officer(s).

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

CATEGORY OF CONDUCT: IO2 **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 detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the officer should not have detained her for an involuntary psychiatric evaluation. The Communications records and the complainant's psychiatric records showed that the officer was merely assisting a medical specialist from the Mobile Crisis Unit who actually made the decision to detain the complainant for involuntary psychiatric evaluation. Given the circumstances of this incident, the officer's actions were proper and justified.

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 that the officers should not have placed her in handcuffs prior to taking the complainant to the hospital. The complainant did not provide sufficient descriptive information to determine the identity of this officer. The records obtained by the OCC showed that three SFPD members were assisting a medical specialist from the Mobile Crisis Unit in detaining the complainant for involuntary psychiatric evaluation. According to the documents signed by this medical specialist, the complainant was taken to the hospital because she was suffering from paranoia, had a history of violent behavior and was known for hiding knives in the house. Given the circumstances of this incident, an officer's decision to place the complainant in handcuffs prior to taking her to the hospital was reasonable, proper and in compliance with the applicable Department guidelines.

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

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

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

SUMMARY OF ALLEGATION #2: The officer towed the complainant's vehicle without cause.

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

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

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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 alleged the officers arrested him without cause. The officers stated they arrested the complainant for making threats to another person's safety. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant alleged the officer placed him in tight handcuffs. The complainant said he told the officer that his handcuffs were tight but the officer did not do anything. 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 ALLEGATIONS #4-5: The officers failed to read the complainant's Miranda rights.

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

FINDINGS OF FACT: The complainant alleged the officers failed to read him his rights. Although the complainant was taken into custody, the evidence proved that the officers did not interview or interrogate the complainant. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he should not have been issued a citation for CVC 22400a because he was stopped in the street waiting for a diagonal parking space to clear so he could enter the parking space. The officer stated that he observed the complainant impeding the flow of traffic with several cars stopped and honking behind the complainant as the complainant was at a halt in the street. The officer stated that he advised the complainant to move his vehicle but the complainant did not comply. The officer stated that the complainant told the officer he was waiting for a parking spot that was just exiting the space. The officer cited the complainant for CVC22400a which in relevant part states no person shall impede or block the normal follow of traffic unless necessary for safe operation or in compliance with the law. There is no exception in this vehicle code for “waiting for a parking space” which was the complainant’s justification for his actions. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer did not listen to his explanation for why he was impeding traffic. In his Member Response Form response, the officer provided evidence that established that he did listen to the complainant’s explanation.

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SUMMARY OF ALLEGATION #1-4: The officers failed to take required action to speak with the complainant.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 27, 2008.

SUMMARY OF ALLEGATION #5-7: The officers' manner and behavior were inappropriate in requesting complainant be placed on disregard status.

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 27, 2008.

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SUMMARY OF ALLEGATION #8-12: The officers' behavior was inappropriate in retaliating against the complainant for filing OCC complaints.

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 27, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was tape-recording a MUNI bus driver because his attorney told him to do so. The complainant's attorney stated he did not make this request and stated the complainant is under the care of a conservator. Four officers stated the complaint was agitated, yelling, and uncooperative when he was asked to leave the bus. Two officers escorted the complainant off the bus at the bus driver's request. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated an officer stepped on the back of his knee, causing injury. One officer stated he performed a Department-approved leg reap takedown for officer safety when the complainant became aggressive and would not obey the officer's commands. The officer stated he did not step on the back of the complainant's knee. Three other officers at the scene stated they did not step on the back of the complainant's knee and did not hear the complainant complain of pain or ask for medical assistance. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated his tape recorder was confiscated but returned to him. He stated the tape inside the recorder was missing. Four officers at the scene denied confiscating a tape recorder or a tape from the complainant. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said he was eating in a restaurant and discovered he had lost the cash he had been carrying. He reassured the restaurant staff that someone would bring money to him and asked them to bring him and another individual additional food. Restaurant staff told the complainant he would have to pay for his food first. The complainant repeatedly asked the restaurant staff to bring him the additional food. A police officer arrived and the complainant became upset. The officer handcuffed the complainant and transported him to the police station where he was detained for being drunk in public. The named officer said he responded to the restaurant where a waitress told him that the complainant, who was intoxicated, became upset when they refused to serve him more beer. The officer contacted the complainant who was argumentative and under the influence of alcohol. The officer transported the complainant to the police station and booked him for being drunk in public. Department records state that police were summoned to the restaurant on a report of an intoxicated person assaulting staff. The complainant admitted that he had consumed enough alcohol to make him intoxicated. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant said the officer used unnecessary force on him at the police station. The complainant said the officer twisted his arm behind his back and grabbed his cellular phone before placing him into a cell. After the complainant was released, he attempted to make a call on his cellular phone. The named officer twisted the complainant's arm behind his back, grabbed the complainant's hair and pushed him into a door. The complainant tried to use his cellular phone when he was outside the station, and the named officer again twisted his arm behind his back and repeatedly grabbed the complainant's arm as he was walking towards the street. The named officer denied that the complainant ever produced and attempted to use a cellular phone inside the station and denied twisting the complainant's arm behind his back or grabbing him by the hair. The officer stated that he followed the complainant outside the station when he was released, where the complainant challenged him to a fight. The officer said he followed the complainant to ensure that he did not cause any damage in the officer's parking lot. The officer said he briefly held the complainant's elbow as they walked away from the station. The named officer, who was serving as the Station Keeper at the time the complainant was released, did not explain why he accompanied the complainant outside the station. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer prevented the complainant from making a telephone call.

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

FINDINGS OF FACT: The complainant said that when he was released from the police station, the officer followed him outside and repeatedly prevented him from making a phone call by grabbing his arm every time he took out his cellular phone. The officer stated that he followed the complainant outside the station when he was released, where the complainant challenged him to a fight. The officer said he followed the complainant to ensure that he did not cause any damage in the officer's parking lot. The officer said he briefly held the complainant's elbow as they walked away from the station. The officer denied that he prevented the complainant from using his cellular phone. The complainant said a female officer getting out of her personal vehicle observed this interaction and accompanied the named officer as he followed the complainant. The named officer denied that a second officer was present. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/07 **DATE OF COMPLETION:** 03/28/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 27, 2008.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 27, 2008.

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DATE OF COMPLAINT: 01/23/08 **DATE OF COMPLETION:** 03/14/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: UA **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 11, 2008.

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

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

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

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DATE OF COMPLAINT: 12/13/07 **DATE OF COMPLETION:** 03/14/08 **PAGE#**1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/17/07 **DATE OF COMPLETION:** 03/23/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: UA **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 13, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/07 **DATE OF COMPLETION:** 03/20/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Officers responded to the complainant's residence after the owner of the residence called 911 stating her nephew had returned home after having assaulted the owner the previous night. One of the responding officers stated the complainant told him the nephew was in the garage area and went into the house without answering any more questions. The named officer stated when the nephew was found he was uncooperative and refused to answer any questions. Officers began conducting a protective sweep of the residence. The named officer stated he walked up a flight of stairs and opened an unlocked door. He stated he announced himself several times. From behind the door, the complainant told the officer she was not involved in the downstairs incident. The officer stated he remained on the stairs and did not enter the complainant's residence. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/07 **DATE OF COMPLETION:** 03/21/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated his vehicle registration was expired over six months at the time of the tow. The complainant also stated he was given special permission to park in the church parking lot. An employee of the church stated the complainant was not granted permission to park in the parking lot, and that cars parked overnight will be towed. California Vehicle Code section 22651(o) states that a vehicle parked in an off-street parking facility with a registration expiration date in excess of six months may be towed. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The officer denied the allegation. An officer at the scene stated he was sitting in a patrol car and did not hear the conversation between the officer and the complainant. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 12/28/07 **DATE OF COMPLETION:** 03/19/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he never made threats and was arrested without cause. The officer denied the allegation. The witness/victim asserted that the complainant threatened him with bodily harm and had a baseball bat while he was threatened. The officers spoke to other witnesses who also corroborated the complainants past behavior which was documented in a letter to the landlord. The officers saw the bat as described by the victim in the hallway when they took the complainant into custody.

SUMMARY OF ALLEGATION #2-3: The officers' applied tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that he told the officers not to handcuff him tight because he has carpal tunnel from a previous arrest. The complainant said the officers did not listen and said that he complained and said that the officers tried to loosen the handcuffs but seemed to be tighter. The officers denied the allegation. Photograph's document that the complainant has large wrists. There were no witnesses to the handcuffing. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/28/07 **DATE OF COMPLETION:** 03/19/08 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #4-5: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated that the officers slammed him against the wall. The officers denied the allegation. There were no witnesses when the complainant was taken into custody. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/08 **DATE OF COMPLETION:** 03/10/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/07 **DATE OF COMPLETION:** 03/27/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that he was falsely arrested for rape, false imprisonment, oral copulation without consent and kidnapping with intent to commit sexual assault. The arresting officer stated there was sufficient probable cause to arrest the complainant, including forensic evidence and the statements of the complainant, the victim, the nurse who examined the victim, and the statement of other officers. Evidence obtained by the OCC supported the officer's statement. During the preliminary hearing, sufficient probable cause was presented to charge the complainant. There was a preponderance of evidence that the officer's action was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/09/07 **DATE OF COMPLETION:** 03/20/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the officer drove his patrol car into a marching crowd at approximately 25-30 mph. The officer denied the allegation, stating he proceeded forward through the crowd by moving slowly with the emergency lights on to get people to move to the sidewalks. The officer stated he used extreme caution and estimated his speed at 10 mph. The officer said once he reached the larger crowd he couldn't drive through the crowd. The witness officer corroborated the named officer by saying he drove well within control, and estimated their speed between 5-10 mph. A legal observer stated it seemed the officers were surprised to see the crowd and accelerated to get out really fast. The witness approximated the police car's speed to be 30 mph. There is insufficient evidence to either prove or disprove the allegation made in the complaint. No other independent witnesses came forward.

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

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

FINDINGS OF FACT: The complainant stated he was marching in the streets carrying a large 6' x 5' styrofoam sign as part of a demonstration. The complainant said he dropped the sign to avoid being run over by the police car and the sign incapacitated the police unit. The complainant said he was not violent, did not resist the officer, and did not call out to protestors for assistance during the arrest. The officer denied the allegation, stating the protestors were in violation of numerous laws. The officer said the complainant yelled something to the crowd prompting the crowd to surround their car. The officer observed the complainant strike their police car with either his fist or the sign. The officer stated the complainant immobilized their patrol car by placing the large sign under the patrol car. The officer said he exited his police car and the complainant fled the scene. During the arrest, the officer said the complainant resisted and called out for assistance to a riotous crowd. The officer corroborated the other officer's account of the complainant blocking the street and placing the sign under the patrol car.

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FINDINGS OF FACT: (Allegation #2-Continued)

The witness corroborated the demonstrators were marching in the street and blocking traffic. The witness said announcements had been made advising people that it was an unlawful demonstration and the complainant was still in the street marching around. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated after dropping the sign he ran to the sidewalk for safety. The complainant said the officer tackled him and forced him to the ground. The complainant said the officer choked him with his left arm while warding off bystanders with his baton in his right hand. The officer denied the allegation stating the complainant was taken to the ground after fleeing from arrest. The officer said the complainant resisted arrest and continued to flee after being told to stop and that he was under arrest. The officer said the complainant screamed into the crowd for help. The officer stated he held the complainant in place on the ground while keeping the crowd back with his baton in his right arm. The officer said bystanders struck him with punches, kicks and poles. The officer said he could not unclench the complainant's hands and decided to attempt a carotid restraint. The officer was unable to establish the proper position on the complainant and abandoned the carotid application. The officer stated he kept his arms out in front of the complainant and maintained the crook of his elbow below the complainant's chin. The officer said it was an exigent matter to get the complainant out of that area and to reestablish control. The witness arrived near the dark intersection to see the officer on top of the complainant with the complainant in a chokehold. The witness said the officer used his body to keep the complainant's limbs down while he attempted to speak into his walkie-talkie radio. The witness stated the complainant didn't look comfortable. The witness said the officer was applying a certain amount of pressure to the complainant's neck, though not deprived of oxygen. The witness stated the complainant was not resisting or fighting back, though there might have been a time when the complainant tried to get away. The witness corroborated the situation was tense and he could understand why the officer might wave his baton at 10-15 bystanders.

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FINDINGS OF FACT: (Allegation #3-Continued)

The OCC reviewed the videotape by a witness journalist. The tape reveals the officer attempting to arrest and hold on to the complainant. The officer and the complainant are seen twisting around on the ground with the complainant in a headlock. The officer is seen placing himself in a position to view the crowd encircling his location. The crowd is disorderly, riotous, and hostile. The videotape reveals bystanders screaming, yelling, and striking the officer with a stick and/or pole on his legs. Bystanders are heard yelling at the officer to release the complainant and to stop choking him. The officer is seen attempting to speak into his radio for assistance. The officer is seen struggling to maintain the headlock with his left arm while using his baton in his right hand to keep hostile bystanders at bay. The crook of the officer's elbow is located below the complainant's chin. The complainant is observed not complying and struggling for release. The complainant pushes his feet against the ground in an attempt to upright himself. There is no evidence that the officer ever applied a carotid restraint. There is no evidence that the complainant is choking or struggling to breathe. When other law enforcement officers arrive they continue to struggle with the complainant for handcuffing. The complainant can be heard grunting and exerting energy while the officers attempt to get the complainant's hands back to be handcuffed. There is a preponderance of evidence to disprove the allegation.

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DATE OF COMPLAINT: 01/14/08 **DATE OF COMPLETION:** 03/24/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was unavailable for an interview by the OCC.

SUMMARY OF ALLEGATION #3-4: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant was unavailable for an interview by the OCC.

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DATE OF COMPLAINT: 01/15/08 **DATE OF COMPLETION:** 03/10/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the Department failed to conduct an investigation related to a traffic collision. The day watch officer at the station stated he was directed to conduct an investigation by the District Captain. The officer stated he contacted an officer at the Traffic Division, who directed him to the District Attorney's Office. The officer stated the District Attorney's Office refused to prosecute. The officer prepared a memo documenting his actions. The Traffic Division officer stated he was not directed to take any steps to conduct an investigation of criminal activity of this matter. He stated the complainant could have prepared a statement to counter the revised statement made by the other party. The officers' conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: