

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/07 **DATE OF COMPLETION:** 04/21/07 **PAGE#**1 of 1

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. The complainant initially stated he did not move his vehicle but later on admitted he made an unsafe start. The officer stated the complainant unsafely pulled out of his parked position and almost caused a vehicle collision. There were no witnesses to the incident. 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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer lied about what he said to him at the scene. The officer denied the allegation. There were no witnesses during the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer did not allow him to go with him in the marked police unit. The complainant stated he wanted to identify the suspect to the officer but was not allowed. The officer stated for officer safety he told the complainant to stay at the scene while he searched for the suspect. The officer's conduct was proper.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer belittled and chuckled at him. The officer stated he did not belittle and chuckle at the complainant. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer did not write an Incident Report. The officer stated the complainant did not request an incident report. The officer stated the complainant left the scene and further information was needed to complete an Incident Report. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that she was assaulted by an unknown suspect. The complainant and her companion fled the scene of the assault followed the suspect from a distance. Ultimately losing sight of the suspect. The complainant encountered two uniformed officers who were investigating a previously dispatched (DV) call. The officers advised the complainant that at the conclusion of their investigation they would assist the complainant. There is no dispute that the officers were polite, explained that they could not separate from each other, prepared an Incident Report offered to summon medical assistance. The officers stated that they searched for the suspect. The evidence shows that the officers conduct was appropriate, proper and in compliance with Department rules.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said he was in the area because he had just finished seeing his friend play music at a club. The complainant said as he was walking down the street his knee started to hurt a little bit so he just sat down on a car and was basically enjoying the night. While sitting down he saw police drive by and they stopped and asked what he was doing and for identification. The officers denied the allegation. The officers were patrolling the Broadway corridor an area long known for drunken inebriates, alcohol consumption and aggressive behavior as the bars and clubs close. City agencies have adopted a zero tolerance to the behavior. There were no witnesses. The officers' unit history indicates that the contact was less than 8 minutes. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was pat searched and that his wallet was removed. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

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SUMMARY OF ALLEGATION #4-5: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the officers were unprofessional and questioned him about a past arrest that occurred over 30 years ago. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 6-7: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant said he was racially profiled because he was not doing anything wrong. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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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 behaved in an inappropriate manner during a telephone call the complainant made to the station. The complainant could not identify the officer. The supervising officer that took the complainant's complaint was unable to identify the officer. The officer that was assigned Station Duty and Station Keeper duties denied talking to the complainant. There was no additional evidence to further identify the officer. There were no witnesses to the telephone call. As a result, 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 without cause.

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

FINDINGS OF FACT: OCC's investigation established that the complainant was arrested under private person arrest. 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:

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SUMMARY OF ALLEGATION #1: The officer was rude attitude and or demeanor.

CATEGORY OF CONDUCT: D **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 ALLEGATION #1: The officer failed to write an Incident Report.

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 April 13, 2007.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 13, 2007.

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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 officer stated he cited the complainant for spraying mace at another person. The complainant acknowledged spraying mace at this person. This person signed a citizen's arrest against the complainant. The officer's action was proper.

SUMMARY OF ALLEGATION #2: The officer threatened to harm the complainant.

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

FINDINGS OF FACT: The complainant stated the officer whispered a threat to him. The officer denied threatening the complainant. None of the five other officers at the scene heard the officer threaten the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer put his arm around his shoulder and used a profanity-laden statement to the complainant. The officer denied making this statement and denied putting his hands on the complainant except to pat search him. Four officers at the scene stated they did not see or hear anything inappropriate. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #4-5: The officers failed to conduct a proper investigation.

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

FINDINGS OF FACT: Based on the evidence obtained, the officers conducted a thorough investigation, which included interviewing all parties, taking written statements from all parties, accepting citizen's arrests from each party, preparing a complete and accurate incident report, booking property into evidence and issuing property receipts for that property. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officers detained him without justification. The officers stated that they detained the complainant as agents of San Francisco Housing Authority to determine if the complainant was trespassing the Housing Authority's property. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-6: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers searched him for no reason. The officers stated that they searched the complainant for narcotics. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7-9: The officers used force on complainant.

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

FINDINGS OF FACT: The complainant alleged that the officers used force against him during the contact. The officers stated that they saw the complainant put an unknown object into his mouth that they believed to be narcotics. The officers added that the complainant failed to comply when they ordered him to release it from his mouth, thus they applied nerve stimulation on the complainant's mastoid nerve in order to open his mouth and eject its contents. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10-11: The officers strip-searched the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers strip-searched him at the station for no reason. The officers stated that they believed the complainant had other narcotics on his person, thus they strip-searched him. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #12-13: The officers searched the complainant's vehicle.

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

FINDINGS OF FACT: The complainant alleged that the officers searched his vehicle and tore his packages. The officers stated that they conducted a limited search for narcotics to the complainant's vehicle and denied tearing his packages. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #14-16: The officers failed to process complainant's property.

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

FINDINGS OF FACT: The complainant alleged that the officers took his keys during the contact but returned only his car keys after they released him from the station. The officers denied the allegation, stated that they did not process the complainant's keys, and returned them to him completely. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #17: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer issued him a citation for no reason. The officer stated that he issued a citation to the complainant for resisting, failure to obey lawful order, and delaying their investigation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The named member stated that a taxicab driver reported that the complainant assaulted him during the ride but refused to sign a citizen's arrest form or press charges against the complainant. However, the officer decided to detain the complainant for public drunkenness because he exhibited clear signs of intoxication. In his statement to the OCC, the complainant acknowledged that he had been drinking prior to this police contact. He also admitted refusing to pay cab fare and getting in a confrontation with the taxicab driver over the driving direction. The evidence proved that the act, which provided the basis for the allegation, occurred however, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers acted in an inappropriate manner.

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

FINDINGS OF FACT: The named members denied the alleged misconduct. The officers' version of the incident differed from the one provided by the complainant. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The anonymous complainant stated the officer ordered them to leave in a hostile tone. The officer and another witness on scene denied the allegation. The anonymous complainant did not respond to OCC requests for an interview and never identified the other female on scene. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used uncivil, profane comments, and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The anonymous complainant stated the officer verbally harassed her and her female friend, was yelling while calling them names, used unspecified profane language, and behaved in an intimidating manner. The officer and another witness on scene denied the allegation. The anonymous complainant did not respond to OCC requests for an interview and never identified the other female on scene. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATION #2: The officers used force on complainant.

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

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

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SUMMARY OF ALLEGATION #3: The officer tightly handcuffed the complainant.

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

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

SUMMARY OF ALLEGATION #4: The officer searched the complainant's vehicle.

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 ALLEGATION #5: The officers behaved inappropriately and made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant has failed to provide additional requested information despite several contact attempts made by OCC.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant withdrew the complaint

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer failed to provide his name and number upon request.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The San Francisco Police Department has failed to adequately staff the Report Management unit, resulting in delays in processing records requests.

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

FINDINGS OF FACT: The evidence proved that the actions complained about were justified by Department policy; however, the OCC recommends a change in this particular policy.

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:** 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 April 13, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers harassed, intimidated, and threatened the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he has had an ongoing problem with his landlord shutting off his utilities, including his water, heat and electricity. Department records establish that on two occasions on the day of this incident, officers responded to the complainant's home concerning the same matter, and that an officer also responded to the complainant's home about the same matter the day before. The evidence proved that the actions which provided the basis for the allegations occurred; however, such acts were proper.

SUMMARY OF ALLEGATION:

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FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 - #5: Unwarranted Action for detention without justification.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

SUMMARY OF ALLEGATION #6: Unwarranted Action for handcuffing without justification

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

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SUMMARY OF ALLEGATION #7: Unnecessary Force for force used during the incident

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

SUMMARY OF ALLEGATION #8: Unnecessary Force for tight handcuffs.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

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SUMMARY OF ALLEGATION #9 - #14: Neglect of Duty for failure to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

SUMMARY OF ALLEGATION #15: Conduct Reflecting Discredit for inappropriate comments and behavior

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

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SUMMARY OF ALLEGATION #16: Neglect of Duty for failure to take appropriate action [stop the actions of his partner against the complainant].

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: Neglect of Duty for failure to accept an arrest.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

SUMMARY OF ALLEGATION #2: Neglect of Duty for failure to write an Incident Report.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

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SUMMARY OF ALLEGATION #3: Unnecessary Force for force used against the complainant.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

SUMMARY OF ALLEGATION #4: Conduct Reflecting Discredit for inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

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SUMMARY OF ALLEGATION #5: Neglect of Duty for failure to summon a supervisor when requested.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

SUMMARY OF ALLEGATION #6: Conduct Reflecting Discredit for inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

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SUMMARY OF ALLEGATION #7: Neglect of Duty for failure to receive an OCC complaint.

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

FINDINGS OF FACT: The complainant did not make herself available for an interview, and failed to provide requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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

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

FINDINGS OF FACT: The complainant stated he was told he became combative after he suffered a Grand Mal seizure and he arrived in handcuffs to the hospital. Medical records and personnel established that two unknown officers handcuffed the complainant during transport at the request of paramedics. All responding officers and supervisory personnel involved either did not recall their involvement or denied handcuffing the complainant during this medical call. The paramedics stated the complainant was so combative they could not control him, represented a danger to himself and others so they specifically asked two officers to assist them, to restrain the complainant, and escort them to the complainant's preferred hospital. Medical personnel treating the complainant stated it was illogical to forbid officers to restrain a post-ictal combative patient in his confusion if he represented a danger to himself or others attempting to transport him for medical evaluation. S.F.P.D. Disabilities Awareness Guide of July 2002 cautions members that seizures can make people agitated and unable to control their actions based on a medical need for assistance rather than a bizarre behavior. The S.F.P.D. Medical Training to officers about Grand Mal seizures prohibits them from restraining a patient. S.F.P.D. policy makes no distinction to officers about the restrictions of restraints on a patient between time the patient is experiencing the seizure versus the post-ictal state typically characterized by confusion and possibly belligerent or aggressive behavior.

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

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

FINDINGS OF FACT: The complainant stated he sustained an injury to his leg, consistent with a baton strike. The complainant also stated that while in post-ictal seizure state, he woke up with a male uniformed person on top of him while on a gurney at the hospital, who pushed him down with his forearm causing bruises to his chest and shoulder. All officers and medical personnel interviewed denied the allegation. The preponderance of the evidence established that the complainant's movement during and post seizure were a probable cause of his documented injuries to his wrists. However, there was no evidence to establish the complainant sustained injuries at the hands of any police officer.

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

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

FINDINGS OF FACT: The complainant stated he was maced by an officer based on how his eyes itched hours after his transport to the hospital. All officers and paramedics involved in the complainant's hospital transport denied the allegation. Medical personnel denied the presence of objective physical symptoms consistent with that of a person who was maced. The preponderance of the evidence established the complainant was not maced and the act alleged did not occur.

SUMMARY OF ALLEGATION #4: The officer was rude and behaved inappropriately toward the complainant.

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

FINDINGS OF FACT: The complainant provided insufficient information to name any particular officer. An officer who fit some of the physical characteristics of the accused officer denied the allegation. There is insufficient evidence to name any particular officer and the complainant could not identify the officer in question.

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

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

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

SUMMARY OF ALLEGATION #2:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant claimed officers did not investigate his reports of numerous burglaries that occurred in his residence. Documentation from the San Francisco Police Department showed the matter was properly handled based on the information received from the complainant. The officer's actions were proper and appropriate.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: Unwarranted Action for the detention without justification.

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

FINDINGS OF FACT: The complainant stated the officer detained him. A witness stated the complainant was not detained and was free to leave the scene and did so. The witness stated the complainant went into his residence at least once and returned to speak to the officer. The witness stated the contact lasted approximately one minute and the complainant stated he did not want to speak to the officer. The witness stated the complainant said he had called the FBI and the FBI told the complainant not to speak to the officer. The complainant stated he went into his residence after the officer said she wanted to speak to him, made a phone call and then returned to speak to the officer. A detention defined means an individual is not free to leave the scene of the contact with the officer. The evidence proved the act alleged in the complaint did not occur as the complainant was not detained and was free to leave the scene per the complainant and witness statements.

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

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

FINDINGS OF FACT: The one witness to the contact stated that officer acted appropriately and respectfully at all times during the one-minute contact with the complainant. The witness denied the officer made any comments alleged by the complainant. The evidence proved the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the officers detained him without justification as he was seated in his car at a gas station. The officers stated that they responded to a report of someone at a pharmacy passing a forged prescription. The officers detained the woman who presented the prescription, who told the officers that the complainant wrote her name on the prescription forms and gave her money to pick up the prescriptions. This woman led officers to the complainant, who was waiting outside in his car at a gas station. The officers stated that they detained the complainant for investigation of a violation of the health and safety code. The woman described these actions in a written statement provided to police. The evidence established that the actions complained of were proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested him without cause. The officers stated that they responded to a report of someone at a pharmacy passing a forged prescription. The officers detained the woman who presented the forged prescription, who told the officers that the complainant wrote her name on the prescription forms and gave her money to pick up the prescriptions. This woman led officers to the complainant, who was waiting outside in his car at a gas station. The officers stated that they detained the complainant for investigation of a violation of the health and safety code and arrested him for this violation after conducting additional investigation, including obtaining a written statement from the woman describing the complainant's actions. The evidence established that the actions complained of were proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers searched his car without obtaining his consent. The officers stated that they detained the complainant, who was in his car at a gas station, for investigation of passing forged prescriptions, based upon statements made by the complainant's female companion. One of the officers stated that they ran a wants and warrants check on the complainant and established that he was on probation, and that one of the officers searched the complainant's car pursuant to his probation status. The other officer stated that the complainant told the officers that he was on probation and consented to a search. The complainant's probation officer confirmed that the complainant was on probation with a search condition at the time of this incident. The evidence established that the actions complained of were proper.

SUMMARY OF ALLEGATION # 6 & 7: The officers had the complainant's vehicle towed without cause.

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

FINDINGS OF FACT: The complainant stated that the officers had his vehicle towed. The officers stated that they did not have the complainant's vehicle towed. The officers stated that in connection with the complainant's detention and / or arrest and transport to the police station, they moved the complainant's car from the gas station where it was parked to a legal parking space on the street at the complainant's request. SFPD and Department of Parking and Traffic records establish that the complainant's car was towed from the location where the officers parked it twenty-nine hours later because all four of its wheels were missing. The evidence established the officers did not have the complainant's vehicle towed in connection with his arrest, and that the vehicle was towed independently.

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SUMMARY OF ALLEGATION # 8 & 9: The officers failed to state the reason for the complainant's detention and arrest.

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

FINDINGS OF FACT: The complainant stated that the officers failed to state the reason for his detention or arrest. The officers stated that they told the complainant why he was being detained. The complainant's female companion could not be contacted. A witness officer stated that he was not present when the named officers spoke to the complainant. The complainant died before the investigation was completed and therefore could not be re-interviewed. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 10 & 11: The officers made inappropriate remarks.

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

FINDINGS OF FACT: The complainant stated that both arresting officers made inappropriate comments to him. The named officers denied making the alleged comments. The complainant's female companion could not be contacted. A witness officer stated that he was not present when the named officers spoke to the complainant. The complainant died before the investigation was completed and therefore could not be re-interviewed. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #12: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that when the officers detained him and transported him to the station, they parked his car on the street where it was vandalized and was towed the following day. The named officer and his partner stated that the complainant was detained at a gas station, but their accounts differed about whether the complainant was under arrest or was merely being detained for further investigation when he was transported to the police station. The officers stated that the complainant agreed to allow them to park his car on a street near the gas station. The named officer stated that he parked the complainant's car legally on the street nearby at the complainant's instruction. SFPD and Department of Parking and Traffic records establish that the complainant's car was towed from the location where the officers parked it twenty-nine hours later, because all four wheels had been removed from it. OCC established that the complainant's car was parked on a block of a residential street with no home entrances on it, where parking was illegal beginning at 8:00 a.m. the following day. The complainant died before the investigation was completed and was unavailable for a follow-up interview concerning this issue. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 13 & 14: The officers failed to follow proper procedures as prescribed in the Booking and Detention Manual and Department General Orders.

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

FINDINGS OF FACT: The officers gave conflicting statements. The complainant's female companion could not be contacted. The complainant died before the investigation was completed and therefore could not be re-interviewed. There is insufficient evidence to prove or disprove the allegation.

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

CATEGORY OF CONDUCT: **FINDING:** IO-2 **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 complainant raises matters not rationally within the Office of Citizen Complaints' jurisdiction.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

Lt. Lynette Hogue
Management Control Division Rm. 545
San Francisco Police Department
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 ALLEGATIONS #1: The complaint raises matters not within OCC's jurisdiction.

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

FINDINGS OF FACT: The complaint raises matters not within OCC's jurisdiction. The complaint has been referred to:

Maria Bee
Chief of Staff
Victim Services
850 Bryant Street Rm. 320
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

Lt. Lynette Hogue/OIC
Management Control Division
San Francisco Police Department
850 Bryant Street Rm. #545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

Auto Return
450 Seventh 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: The officer detained the complainant without justification.

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

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

SUMMARY OF ALLEGATION# 2: The officer used profanity

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was riding his bicycle at night without a light when the named officer and his partner stopped and detained him and determined that he had an outstanding arrest warrant. The complainant stated that the officers arrested him but left his bicycle at the scene despite his requests that they take these items with him to the station. The complainant stated that when he complained about this while being transported to the station, the named officer used a profanity when referring to the complainant's bicycle. The complainant stated that he subsequently filed a damages claim with the city, which paid him \$200 for his bicycle. The San Francisco City Attorney's office confirmed that the complainant was paid for this claim. The named officer stated that he left the complainant's bicycle and bag with an unidentified friend of the complainant at the scene, in accordance with the complainant's wishes. The named officer stated that several months later [but before he transferred to a different geographical assignment] he saw the complainant riding the same bicycle. The complainant's San Francisco Court History and California Department of Corrections records indicate that he was in custody at the San Francisco County Jail or in state prison for over five months subsequent to this arrest, and that he was therefore in custody during the period when the named officer claimed to have seen him riding the bicycle on the second occasion. The Incident Report prepared by the named officer's partner, who was a recruit officer was supervising as a Field Training Officer, documents the complainant's detention and arrest, but makes no mention of the complainant's bicycle or bag. The named officer's partner resigned from the department, and failed to respond to multiple requests by the OCC for an interview. The named officer's statement about seeing the complainant riding the bicycle at a time when the complainant was incarcerated raises significant doubts about the named officer's credibility. Therefore, there is a preponderance of evidence to prove that the named officer failed to transport the complainant's property to the station in accordance with the complainant's wishes, and therefore failed to properly process property in accordance with Department regulations.

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

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

FINDINGS OF FACT: The officer who is the subject of the allegation is no longer a sworn member of the San Francisco Police Department.

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

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

FINDINGS OF FACT: The complainant stated that he was riding his bicycle at night without a light when the named officer and his partner stopped and detained him and determined that he had an outstanding arrest warrant. The complainant stated that the officers arrested him but left his bicycle and bag at the scene despite his requests that they take these items with him to the station. The complainant stated that when he complained about this while being transported to the station, the named officer used a profanity when referring to the complainant's bicycle. The named officer denied the allegation. The named officer's partner resigned from the department, and failed to respond to multiple requests by the OCC for an interview. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer who is the subject of the allegation is no longer a sworn member of the San Francisco Police Department.

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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 named members stated that the Communications dispatched them to investigate a possible battery and they detained the complainant because he matched the description provided by the 911 caller. The tape of this call for police assistance corroborated the officers' statement. The 911 caller did not respond to the Office of Citizen Complaint's request for her interview. Given the circumstances of this incident, the officers' decision to detain the complainant was reasonable and justified.

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

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

FINDINGS OF FACT: The complainant was arrested on a warrant. 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 #5: The officer used unnecessary force.

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

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

SUMMARY OF ALLEGATIONS 6-7#: The officers made inappropriate comments.

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

FINDINGS OF FACT: The named members denied the alleged comments. Two other officers involved in this incident stated that they did not hear any officer at the scene using such language towards the complainant. A possible witness to the complainant's arrest did not respond to the Office of Citizen Complaint's request for an interview. There were no other identifiable witnesses to this aspect of the incident. 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:** NF **DEPT. ACTION:**

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer confiscated the complainant's personal property without cause.

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant acknowledged that he did not comply with the officers' verbal commands and physically resisted their attempts to tow his vehicle. Under these circumstances, the officer's decision to apply pepper spray and a leg sweep take down was reasonable option to take the complainant into custody.

SUMMARY OF ALLEGATIONS#6-7: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information necessary for the investigation of this allegation.

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SUMMARY OF ALLEGATION #8: The officer failed to provide timely medical treatment.

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information necessary for the investigation of this allegation.

SUMMARY OF ALLEGATION :

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated he felt the officers unfairly cited him. The officers stated the complainant failed to stop at a stop sign and subsequently a citation was issued to the complainant. A witness stated he did not recall the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers denied entering the residence until such time as they had reasonable cause to do so. There were no witnesses to the alleged act. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #3 and 4: The officers used unnecessary force against the complainant.

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

FINDINGS OF FACT: The officers denied the allegation and stated that the degree of force used was to overcome the complainant's resistance. Medical records do not support the complainant's assertion that he was the victim of a brutal beating. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer searched the house without cause.

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

FINDINGS OF FACT: The officers stated that they searched the residence as a result of the complainant fleeing from the officers, and in doing so violated his probation. That the complainant matched the description of a wanted murder known to be armed and dangerous. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The on-scene officers denied making or hearing another officer make the alleged comments. There were no other witnesses. There is insufficient evidence to identify the offending officer.

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SUMMARY OF ALLEGATIONS #7 and 8: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers 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:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/10/04 **DATE OF COMPLETION:** 04/14/07 **PAGE#** 1 of 3

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

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

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

SUMMARY OF ALLEGATIONS #2: The officers failed to provide name and star number when requested.

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

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

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SUMMARY OF ALLEGATIONS #3: The officers used unnecessary force during the arrest.

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

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

SUMMARY OF ALLEGATIONS #4: The officers failed to provide phone access when requested.

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

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

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SUMMARY OF ALLEGATIONS #5: The officer made inappropriate comments.

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

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

SUMMARY OF OCC ADDED ALLEGATION #1: The officers failed to properly process a citizen complaint.

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

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

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

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

FINDINGS OF FACT: The complainant said the officers' actions or inaction compromised a criminal case in which she was the victim. The officers denied the allegation. The investigation showed that the actions taken by the inspectors were not the reason the criminal case did not proceed to an arrest. The District Attorney declined to seek an arrest warrant for reasons other than those cited by the complainant.

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

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

FINDINGS OF FACT: The complainant said the officers made discouraging comments, did not answer her questions, and were insensitive. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/17/06 **DATE OF COMPLETION:** 04/14/07 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #5: The officer failed to properly document a citizen's complaint.

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

FINDINGS OF FACT: The complainant said that the officer left out information on her complaint. The officer did not recall the complainant bringing up the information she claimed was missing in the complaint. 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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SUMMARY OF ALLEGATIONS #1-7: The officers entered the complainant's residence without justification.

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

FINDINGS OF FACT: The complainant alleged that the officers entered his apartment on June 30, 2006 without justification. The Office of Citizen Complaints conducted an independent investigation regarding the entry and found the complainant's allegations to be without merit. The complainant alleged that the officers entered solely for community caretaking reasons and for no exigent purpose. The complainant had a persistent water leak in his apartment that leaked into the apartment below his. The complainant submitted videotape as evidence refuting that there was no water leak in his apartment. His downstairs neighbor had complained to the desk clerk of this problem, which, when investigated by the desk clerk prior to police entry, had proven to require immediate repair. The complainant would not allow the witness/desk clerk to undertake such measures, and began threatening the witness/desk clerk, as well as his neighbor. The Office of Citizen Complaints spoke to the witness as well as the property manager. The complainant also had a known, documented history of mental illness where he had threatened himself, as well as the safety of others. The witness called the police. The named officers took appropriate investigative steps prior to making entry into the complainant's apartment by speaking to the witnesses. One of the witnesses observed the officers during the officers' knock and notice at the complainant's apartment, prior to their entry, due to the complainant's known and documented mental instability. The OCC learned that there was a leak into the apartment below. The evidence proved that the acts, which provided the basis for the allegation occurred, however, the acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #8-9: The officers entered the complainant's residence without justification.

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

FINDINGS OF FACT: The complainant alleged that the officers entered his apartment on June 30, 2006 without justification. The Office of Citizen Complaints conducted an independent investigation regarding the entry in question. The officers responded following a noise complaint, specifically that the complainant was playing loud music and jumping up and down in his hotel room. There were two calls: the first came from the complainant's resident manager, and the second from the complainant's downstairs neighbor, who lived directly under him. The OCC attempted to interview the manager, but she was no longer employed with the property. The OCC interviewed the complainant's neighbor who experienced the noise, but he was not a witness to the police entry. The OCC asked the officers how they made entry. The officers stated that the door was ajar and when the complainant failed to respond to their knock, they entered to request that the complainant abate the noise and the complainant complied. There were no witnesses. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #10-11: The officers entered the complainant's residence without justification.

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

FINDINGS OF FACT: The complainant alleged that the officers entered his apartment on November 20, 2005 without justification. The Office of Citizen Complaints conducted an independent investigation regarding the entry in question. The police officers entered the complainant's apartment following calls from the complainant's resident manager with regard to the need to perform required maintenance regarding a leak. The complainant had refused the manager entry, and allegedly had done so in the past, stating there was no need to perform such maintenance. The manager summoned police. The officers conferred with the resident manager prior to entry and department records note that the officers met with the manager prior. The OCC attempted to interview the manager, but she was no longer employed with the property. The OCC interviewed the complainant's neighbor who experienced the leak. He was not a witness to this specific entry. The officers failed to provide substantive information regarding the manner and method of their entry. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 08/01/06 **DATE OF COMPLETION:** 04/08/07 **PAGE** #1 of 5

SUMMARY OF ALLEGATIONS #1-2: The officers made inappropriate comments and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officers yelled at him, laughed at him and made inappropriate comments to him. The witnesses interviewed by the OCC either denied overhearing inappropriate comments or did not overhear or see the officers' contact with the complainant. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officers used profane words when detaining him. The witnesses interviewed by the OCC either denied overhearing profanity or did not overhear or see the officers' contact with the complainant. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer used unnecessary force while detaining the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force when detaining him. The witnesses interviewed by the OCC either denied seeing force being used or failed to see the police officer engage the complainant during the initial detention phase of the contact. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant admitted to the Office of Citizen Complaints that he was driving with a suspended license during the incident being complained of. However, the complainant stated that the officer arrested him for battery without cause. The complainant further alleged that he did not hit anyone and the officer should have arrested the true perpetrators, two other men who allegedly attacked him. The Office of Citizen Complaints conducted an independent investigation into the incident complained of. The OCC interviewed three witnesses, as well as the victim. The witnesses' statements concurred that the complainant was the primary aggressor in this incident. Those who saw the onset of the incident stated that the complainant and victim were involved in a road rage incident. The witnesses statements concurred that the complainant attacked the victim by hitting the victim with his head, head-butting him while still wearing his motorcycle helmet. The witnesses agreed that the complainant was the primary aggressor. The evidence proved that the acts providing the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #7-10: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant alleged that the officers would not take his statement and failed to interview witnesses, only taking the statements of the victim and another limousine driver who acted as a Good Samaritan. The Office of Citizen Complaints conducted an independent investigation into the incident complained of, interviewing the victim, as well as three other witnesses, two of whom were not directly involved with the incident. The latter two witnesses described the incident as a road rage type of incident. The investigation revealed that the complainant, a motorcyclist, and the victim, a limousine driver, were involved in a near collision, whereby the victim nearly collided with the complainant. The complainant was observed pursuing the victim, to another location, where the two parties parked. The witnesses saw the complainant engage the victim in a fight, throwing the first blow, by “headbutting” him while he wore his helmet. The witnesses stated that another limousine driver attempted to render assistance by pulling the complainant off of the victim. Various witnesses interviewed by the Office of Citizen Complaints stated that uniformed members of the San Francisco Department interviewed them, soliciting their accounts of the incident, and took notes of what occurred. The report generated by the report writing officer reflected statements by three witnesses, two of them detached witnesses, as well as the complainant’s. There was no specific requirement for the reporting officer to generate a supplemental report or citizen’s arrest for the complainant. The evidence proved that the acts providing the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #11-12: The officers towed the complainant’s motorcycle without justification.

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

FINDINGS OF FACT: The complainant admitted to the Office of Citizen Complaints that at the time of the incident, he had driven his motorcycle on a suspended California Driver License. The officers duly sought and obtained the approval of their supervisor, prior to having the complainant’s motorcycle towed. The evidence proved that the acts providing the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #13-14: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant alleged that the officers improperly seized his motorcycle helmet, classifying it as evidence instead of property for safekeeping. The complainant had alleged that he hit no one, stating that he was entitled to the immediate return of his property. The officers denied the allegation, stating that it was seized as evidence utilized in the commission of a battery, a crime. The Office of Citizen Complaints conducted an independent investigation into the incident complained of, interviewing the victim, as well as three other witnesses, two of whom were not directly involved with the incident. Based on its investigation into the incident, the Office of Citizen Complaints concluded that the complainant utilized his helmet as a weapon, charging the victim and "headbutting" him. Based on these findings, the officers were entitled to seize the complainant's helmet and process it as property for evidence, not as property for safekeeping. The evidence proved that the acts providing the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #15-16: The complainant alleged that officers failed to provide him with required information.

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

FINDINGS OF FACT: The complainant alleged that the officers who processed him at the police station refused to explain to him what he was signing when he was cited and released. The document he signed was entitled "Notice to Appear," and contained a date and time for him to appear. The complainant admitted to the Office of Citizen Complaints that he was dizzy and not feeling well at the time of the incident. There were no known witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #17: The complainant alleged the officer failed to provide him with required medical attention.

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

FINDINGS OF FACT: The Office of Citizen Complaints conducted its own independent investigation into the allegation. The agency learned that the complainant complained of back pain at the police station. The evidence provided to the Office of Citizen Complaints showed that paramedics arrived at the station no later than forty minutes after the complainant's arrival at the police station. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: .The complainant said she was detained for no reason. The officers denied the allegation. The officers had information from a confidential reliable informant that the complainant was selling drugs. The officers stated they also had prior knowledge that the complainant had a stay away order and was on probation. The witness did not come forward. The identity of confidential informants is not available to the OCC. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said she was not doing anything wrong. The complainant said she had no drugs and that she was not on probation at the time. Officers said they did a computer check which revealed that the complainant was on probation. The complainant was arrested for violation of the stay away order. The complainant's court records document that she was still on probation.

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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 she was searched for drugs. The officers stated that the search was incident to arrest. The witness did not come forward. There is sufficient evidence to prove that the search was in compliance with Department rules and procedures.

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

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

FINDINGS OF FACT: The complainant said the officer always makes comments about her boyfriend and to intimidate her. The officer denied the allegation. The witness did not come forward. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer stops her for no reason to harass her. The officer 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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SUMMARY OF ALLEGATION #1-2: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: The officers denied the allegation, stating the complainant attempted to evade detention/arrest and resisted arrest. The complainant admitted he was fleeing from the police. An unidentified witness informed the police he observed the complainant involved in the incident take the bus to evade detention. The named officers corroborated each other's account that numerous commands were given to the complainant to stop his evasion. The named officers said they were forced to take the complainant to the ground to stop his flight and to contain him. The witness officers corroborated that the complainant continued to resist the officers by kicking his feet and flailing his arms. There is insufficient evidence to either prove or disprove the allegation as there were no identified civilian witnesses. There is no medical evidence to either support or refute the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/25/06 **DATE OF COMPLETION:** 04/09/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT:

The officer admitted that part of his foot traversed the complainant's threshold preventing her from shutting the door to terminate the contact. Two witnesses stated that the officer intentionally placed his foot into the door for the purpose of preventing the complainant from closing the door and terminating the contact. The conduct of the officer was inappropriate as was his threat to arrest the complainant when she attempted to discontinue the contact.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/07/06 **DATE OF COMPLETION:** 04/08/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer displayed inappropriate and retaliatory behavior.

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

FINDINGS OF FACT: The officer denied the allegation, stating the arrest of the complainant for a warrant was lawful and appropriate. The officer denied that he retaliated against the complainant. The officer acknowledged the complainant and her mother were verbally and racially abusive when he attempted to explain the legal content of a restraining order. The witness officer stated the named officer is a naturally quiet person and remained calm during the contact with the complainant. The complainant and the witness admitted they were upset and became loud with the officers. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2-3: The officers failed to take required action.

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

FINDINGS OF FACT: The officers denied the allegation, stating there was no violation of the restraining order. The complainant stated the restrained person, located on a sidewalk, made a derogatory comment to her daughter, who was sitting near a window in a two-story home. The complainant stated the restraining order included her and her children as the protected person. However, the booked copy of the restraining order revealed the protected person was solely the complainant. The witness/restrained person denied that he spoke to the daughter of the complainant and was not within five feet from the complainant or her family members. The complainant failed to present a copy of the restraining order that she alleged included her children as protected persons. The other witness could not speak to the validity of the restraining order. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer failed to maintain working knowledge.

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

FINDINGS OF FACT: The complainant stated that she requested a report and a citizen's arrest but instead received a traffic collision card with insufficient information. The preponderance of the evidence established that although the named member was aware that pedi cabs are vehicles, further training to members in the districts where pedi cabs operate is warranted.

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

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

FINDINGS OF FACT: The officer lacked sufficient knowledge regarding pedi cabs, regulations, and pertaining enforcement actions. During his interview as a witness pending mediation, the officer stated Pedi cabs are not vehicles. The preponderance of the evidence, however, established that the alleged act resulted from inadequate training.

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SUMMARY OF ALLEGATION #1: The officer entered the complainant's place of business without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer's entry upon the premises of a cannabis dispensary was "harassment." The evidence established that the officer was assigned to perform a Lighting and Security Inspection on behalf of the San Francisco Department of Public Health, Environmental Health Service, pursuant to §3205 of the San Francisco Health Code.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers denied the allegation stating that they had probable cause to arrest. The victim witness corroborated the officers statements. The evidence proved that the acts which provided the basis for the allegation did occur; 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 issued a citation without cause.

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

FINDINGS OF FACT: The evidence proved that the act which provided the basis for the allegation did occur; however, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was detained under §5150 W&I Code. The officers determined that the complainant was a danger to others and that she met the criteria for a §5150 detention. The complainant admitted that she banged on her neighbor's door with a hammer to scare her. The medical records provided by the complainant document that she suffers from a mental illness and is under the care of a mental health professional. The investigation established that the officers performed their duties under DGO 6.14.

SUMMARY OF ALLEGATION #3-4: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that she saw one officer in her apartment was searching without her consent. The officers stated they were searching for medications in plain view, as were the paramedics. The officers stated it is their practice to look for medications when detaining someone under §5150 W&I, so that doctors may know what medication the person is taking. The officers denied searching in drawers and said that they only looked in general areas that were in plain view. The complainant refused to sign a medical release; therefore paramedics were not identified or interviewed. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated she wanted to go to Kaiser because they had her records. The complainant stated the officer told the paramedics to take her to SFGH instead. The officer denied making this comment. The complainant refused to sign a medical release therefore paramedics were not identified and interviewed. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 6-7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said the officers did not ask her what happened and did not take any police action against her neighbor, who struck her with the hammer. The officers denied the allegation. The officers stated the complainant never mentioned that she was injured or in pain due to being struck by the neighbor. The officers also stated that they did ask the complainant what happened. The complainant refused to sign a medical release; therefore paramedics were not identified and interviewed. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/19/06 **DATE OF COMPLETION:** 04/18/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said an officer jumped and landed with his knee on the complainant's lower back. Both officers involved in the arrest denied the allegation. There were no witnesses to either prove or disprove the allegation. Prior to his arrest, the complainant was running through uneven terrain attempting to evade police officers. There is insufficient evidence to name a particular officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the same officer who handcuffed him told him to shut up and threatened to beat him up. Both officers involved in the arrest of the complainant denied the allegation. There were no witnesses who could prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/30/06 **DATE OF COMPLETION:** 04/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers involved in the incident denied the allegation, stating they were not responsible for making the inappropriate comment. The witness stated he did not hear any officer make an inappropriate comment. No other witnesses came forward. The complainant failed to provide sufficient identifying evidence.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The officers involved in the incident denied the allegation, stating they were not responsible for using profanity. The witness stated he did not hear any officer use profanity. No other witnesses came forward. The complainant failed to provide sufficient identifying evidence.

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DATE OF COMPLAINT: 11/01/06 **DATE OF COMPLETION:** 04/19/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness in the vehicle somewhat corroborated the statement of the complainant however insufficient to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer conducted himself in a rude manner and made rude comments.

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

FINDINGS OF FACT: The complainant and a witness in the car both described the officers conduct as rude, however, the evidence of any specifically articulated rude comment or word was inconclusive, therefore a definitive finding cannot be reached.

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DATE OF COMPLAINT: 11/07/06 **DATE OF COMPLETION:** 04/09/07 **PAGE# 1 of 1**

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

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

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

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

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

FINDINGS OF FACT: The complainant wrote the officer made threats. The officer denied the allegation, stating his demeanor was controlled and authoritative. The officer said the complainant was hostile, loud, and foul-mouthed during the contact. There is insufficient evidence to either prove or disprove the allegation made in the complaint. No other witnesses came forward.

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DATE OF COMPLAINT: 11/04/06 **DATE OF COMPLETION:** 04/14/07 **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 was arrested without cause. The officer stated he arrested the complainant for violation of MPC 33 regarding an ongoing littering offense wherein the complainant leaves debris on the sidewalk from his street performances. The officer stated he received complaints from port workers regarding the litter.

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

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

FINDINGS OF FACT: The complainant stated the officer used excessive force during the arrest. The officer denied the allegation. No witnesses came forward during the investigation. The complainant did not receive medical treatment for any alleged injuries. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/04/06 **DATE OF COMPLETION:** 04/14/07 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The officer stated he arrested the complainant for an ongoing littering violation pursuant to MPC 33. Pursuant to Department policy and procedure, the complainant was handcuffed subsequent to the arrest and prior to transportation. The evidence showed the act alleged did occur, however, pursuant to San Francisco Police Department policy and procedures, the act was proper and lawful.

SUMMARY OF ALLEGATION #4: The officer harasses the complainant due to bias.

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

FINDINGS OF FACT: The officer assigned area of patrol, causes him to have daily contacts with the complainant. The evidence shows that the complainant is a street performer that engages in conduct in violation of the Municipal Police Code. The complainant has been repeatedly cited for the violation and complaints from aggrieved parties. There is no evidence of harassment but proper police enforcement.

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DATE OF COMPLAINT: 11/13/06 **DATE OF COMPLETION:** 04/14/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The officer issued a citation to the complainant for littering and blocking a thoroughfare. Per Municipal Police Code 33, it is unlawful for anyone, in any manner, to deposit debris of any kind upon any sidewalk. The complainant acknowledged in his Office of Citizen Complaints interview that the leaves from his performance outfit were on the sidewalk. Per Municipal Police Code 1606, it is unlawful for a person to place any obstruction upon any thoroughfare. Complainant acknowledged in his Office of Citizen Complaints interview that he was performing on the sidewalk. The evidence proved that the act, which provided the basis for the allegation, did in fact occur and such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: Complainant stated in this Office of Citizen Complaints interview that the officer ordered him to pick up the leaves that had fallen from his outfit, and told him that he was making a mess and blocking the sidewalk. Complainant said that he refused to comply with the officer's request to clean up the leaves immediately and told the officer he would do it when he had finished performing for the day. Complainant did not like officer's tone when he made statements, which the officer stated were made in a direct and authoritative manner. The evidence proved that he acts, which provided for the basis of the allegation, occurred and were justified, lawful and proper.

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DATE OF COMPLAINT: 11/16/06 **DATE OF COMPLETION:** 04/05/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The named officer acknowledged that he did not adhere to traffic laws, while driving a marked patrol car on the freeway and attempting to enforce speed laws. The named officer also acknowledged that he did not use his vehicle's red light, which would have exempted him from adhering to the Vehicle Code. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer engaged in inappropriate behavior.

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

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

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DATE OF COMPLAINT: 11/17/06 **DATE OF COMPLETION:** 04/25/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he was dispatched to a priority “A” well-being check on the complainant. San Francisco Police Department communications broadcast that the complainant’s therapist called for a 5150 evaluation, based on threats made by the complainant to kill her husband and herself. The officer stated the complainant admitted and corroborated the threats. The officer stated the complainant appeared distraught and mentally unstable. Per DGO 6.14, the officer may detain an individual for a psychiatric evaluation when the officer believes an individual is a danger to herself or others. 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 #2: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating he is required to handcuff all people being transported to SFGH for an evaluation. The officer said the handcuffs are used for officer’s safety and the safety of the complainant. The officer and the complainant corroborated a jacket was placed on the complainant to cover the handcuffs while in the complainant’s workplace. 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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DATE OF COMPLAINT: 11/17/06 **DATE OF COMPLETION:** 04/25/07 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he leaned the complainant against her desk and handcuffed her without incident. The officer said after handcuffing one wrist, the complainant began moving her unhandcuffed wrist to avoid being handcuffed. The officer said the complainant was not resisting, but rather avoiding his attempts. Medical reports from San Francisco General Hospital and St. Francis did not corroborate any medical complaints of unnecessary force used on the complainant. One witness stated the officer was calm throughout the incident and was just following procedures. The other witness said he wouldn't say that the officer was more aggressive or less aggressive than he should have been.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he tried to carry himself in a professional manner with the complainant, while addressing her personal distress. The officer attempted to inform the complainant that the public becomes fearful when a person makes statements of suicidal threats. The officer made reference to a similar incident at 101 California, in which he was one of the responding officers. The officer denied screaming at the complainant. The officer said the complainant told the officer he didn't care about her feelings or what was going on in her life. The officer stated he explained his concern for the complainant's safety and others, due to her threats. At this point, the officer acknowledged to the complainant that he nearly got into an accident from a red light runner while responding to the emergency well-being call. One witness stated the officer was being firm, yet soft spoken while explaining the procedures to the complainant. The other witness said the officer seemed a little quick, but didn't know all the facts the officer was given. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/21/06 **DATE OF COMPLETION:** 04/18/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officers failed to prepare an incident report.

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

FINDINGS OF FACT: There is substantial inconsistency between the statements of the parties and witnesses. By a preponderance of the evidence, the officers conducted a reasonable investigation into this incident and having insufficient reportable evidence did not, and were not required to, prepare a report. Therefore the officers conduct was proper.

SUMMARY OF ALLEGATION #2:

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 said although the officer was acting based on the report by store personnel, the officer had no authority to detain her inside the store even if it was a citizen's arrest. California Penal Code Section 490.5 states merchants and their agents may detain shoplifting suspects, request surrender of items and on refusal may search their packages, bags, handbags but not their clothes. Those were the facts during this incident so the officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: The evidence established that the officer assumed the complainant had stolen an item, which it was inside her backpack, and allegedly threatened to take her into custody in order to persuade the complainant to consent to a search of her backpack. The officer stated he relied on store personnel for the inevitable citizen's arrest outside the store and was merely informing the complainant how to avoid it. Store personnel failed to inform the officer they had lost sight of the complainant while taking another suspect into custody. Under California case law, there was an implied citizen's arrest here when store personnel delegated the responsibility to the officer by summoning him, reporting the offense, and pointing out the complainant as the suspect. Since the complainant refused relinquishing her backpack to be searched, there is insufficient evidence to either prove or disprove the officer's statement were necessarily inappropriate, threatening, or factual.

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

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

FINDINGS OF FACT: The complainant said the officer took her backpack without her consent to search it. The officer said the complainant consented to a search of her backpack and handed it to him. California Penal Code Section 490.5 states merchants and their agents may detain shoplifting suspects, request surrender of items and on refusal may search their packages, bags, handbags but not their clothes. Those were the facts during this incident so the officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #4: The officer racially profiled the complainant.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer focused on the complainant exclusively based on the report and requests by the store's loss prevention personnel. The evidence further established that the officer was unaware of loss prevention personnel faulty suspicions until after the search revealed the backpack contained no stolen items. The actions by the officer were initiated and based on the suspicions by store personnel, not the officer, who was obligated to respond to the call for police assistance.

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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 was cited for failing to yield to a pedestrian, which he denied. The passenger in the complainant's vehicle also denied that the complainant committed the act for which he was cited. Both the complainant and witness stated that the officer, who was behind the complainant at the time of the alleged act, may have had an obstructed view of the pedestrian in question. The witness officer did not observe the alleged violation. The named member said she had an unobstructed view of the alleged violation for which the complainant was cited. The standard for the driver of a vehicle is "due care" when approaching a pedestrian within a crosswalk. There is insufficient evidence to prove whether or not the complainant met the standard of care under the circumstances.

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

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

FINDINGS OF FACT: The complainant stated that the named member was rude to him from the initial contact and made inappropriate comments to him. The passenger in the complainant's vehicle also reported that the officer was unnecessarily aggressive toward the complainant. The named member's partner denied witnessing or hearing any of the named member's behavior. The named member stated the complainant was belligerent and that she used a firm tone with the complainant, but was not harsh or rude. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated his wife's vehicle should not have been cited for blocking the street. The complainant admitted that his vehicle was parked in his driveway and part of the vehicle was blocking/obstructing the sidewalk, therefore in violation of the CVC §22500 (f). 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 #2: 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 should not have been towed from his residence. The complainant stated he obtained a Temporary Operating Permit from the Department of Motor Vehicles. The San Francisco Police Department and Auto Return documents show that the complainant's vehicle was towed before the issuance of the Department Motor Vehicle permit by the complainant. 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 ALLEGATIONS 1 and 2: The officers used unnecessary force against the complainant

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

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

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

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

FINDINGS OF FACT: The complainant called 911 about vehicles being parked in an unauthorized manner. Officers responded and interviewed the complainant, finding evidence that the complainant was personally involved in the unauthorized parking of vehicles. The officers made an entry into their Event History Detail referencing the conduct. The officers had additional evidence upon which to detain the complainant as well.

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SUMMARY OF ALLEGATIONS #5 and #6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said that when he was detained by officers, he was handcuffed. The officers denied handcuffing the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to receive a citizen's complaint.

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

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

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SUMMARY OF ALLEGATION #8: e officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. There were no witnesses to the telephone conversation. 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 comments.

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

FINDINGS OF FACT: The civilian witness did not witness these comments, according to her Office of Citizen Complaints interview statement. Witness officers did not witness these comments, according to their statements to Office of Citizen Complaints. The officer denied this allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: Unwarranted Action for interfering with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated that the officer told several juveniles to “move on” for no good reason. The civilian witness did not witness what the officer was saying to the juveniles, according to her Office of Citizen Complaints interview statement. Witness officers did not hear these statements, according to their statements to the Office of Citizen Complaints. The officer denied this allegation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: Unwarranted Arrest for arrest without cause.

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

FINDINGS OF FACT: The complainant admitted acts which were beyond mere on-looking in this case, such as talking with the subjects after the officer asked her not to, and stepping close to the subjects when the officer asked her not to. The officer who arrested the complainant stated that the complainant was interfering with and delaying his investigation. The civilian witness and a witness officer stated to Office of Citizen Complaints that the complainant interfered with the officer's investigation, which is prohibited by California Penal Code §148, for which the complainant was charged in this case. 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 #4: Unnecessary Force for force used during the arrest.

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

FINDINGS OF FACT: The complainant refused to provide evidence in the form of medical records [by refusing to sign a medical release for Office of Citizen Complaints to get those records] and refused to provide photographs she said she possessed showing evidence of injury. The civilian witness stated that she believed that the officer followed San Francisco Police Department procedure, however, she was still dissatisfied with the officers' behavior because she felt that the complainant could have been injured. The witness officers stated to Office of Citizen Complaints that they did not see any officer use unnecessary force. The named officer stated he used only necessary force to accomplish the handcuffing and arrest. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-4: The officer's utilized unnecessary force during the arrest. The complainant stated in his interview that the officers injured his right leg and caused dental injuries.

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

FINDINGS OF FACT: In his taped interview to the Office of Citizen Complaints, the complainant alleged that he was beaten and kicked by members of the San Francisco Police Department when he was taken into custody, stating that he received injuries to his right leg. The complainant had a large contusion to his right lower leg when he was medically cleared from San Francisco General Hospital due to his physical extraction by the leg from an attic crawl space. The Office of Citizen Complaints (OCC) conducted its own investigation. The Office of Citizen Complaints examined the complainant's medical records. The medical records revealed that the complainant walked with a pronounced limp, favoring his right leg. However the nurse who interviewed the complainant noted in the record that the complainant had a preexisting history of an unhealed, untreated injury to his right leg, causing him to favor his right leg. The complainant also alleged that he had dental injuries from his arrest and capture. The medical records specifically state that the complainant had no dental emergency or any dental issues. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 5: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to provide him with necessary medical treatment. The Office of Citizen Complaints found that the complainant complained of pain to other officers. An ambulance was then summoned and the complainant was transported to San Francisco General Hospital. The named officer accompanied the complainant in the ambulance, but was not responsible for providing emergency treatment, as alleged by the complainant, due to the fact that he was already under the care of paramedics. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made threatening comments to him during his ambulance transport to San Francisco General Hospital. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 7: The officer made profane comments.

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

FINDINGS OF FACT: The complainant alleged that the officer made profane comments to him during his ambulance transport to San Francisco General Hospital. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/24/05 **DATE OF COMPLETION:** 04/25/07 **PAGE #3 of 4**

SUMMARY OF ALLEGATIONS #8-9: The officers made threatening comments.

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

FINDINGS OF FACT: The complainant alleged that the officers made threatening comments to him during his transport from San Francisco General Hospital to County Jail. The officers denied the allegation. There were no witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #10-11: The officers failed to properly comply with care and custody of a prisoner.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to transport him safely from San Francisco General Hospital to County Jail, stating that the officers engaged in unsafe driving techniques, in violation of applicable Department General Orders and the Booking and Detention Manual. The officers denied the allegation. There were no witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #12-13: The officers made threatening comments.

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

FINDINGS OF FACT: The complainant alleged that the officers made threatening comments to him at San Francisco General Hospital. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #14: The officers destroyed the complainant's private property and that of the complainant's neighbor without justification.

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

FINDINGS OF FACT: The complainant alleged that various members of the San Francisco Police Department (SFPD) destroyed his property and that of his neighbor without justification. The Office of Citizen Complaints conducted an independent investigation. The evidence obtained and reviewed by the Office of Citizen Complaints indicated that the complainant was known to be armed. The evidence also revealed that San Francisco Police Department officers sought to reach the complainant through several means, including, but not limited to: hostage negotiation teams and throw phones placed at two separate, side by side locations at separate times during the course of the incident complained of. These means sought the complainant's surrender without the necessity of destruction of property. By a preponderance of the evidence, it was more likely than not that the complainant failed to comply with department orders, thereby necessitating the destruction of both real and personal property to place the complainant under arrest. The Office of Citizen Complaints identified the responding police unit responsible for the destruction of the complainant's property and chattel, located at the address noted by the complainant, and identified that unit as the Tactical Division of the San Francisco Police Department. The same unit was responsible for property destruction at the home of the complainant's neighbor, due to the complainant's subsequent occupation of his neighbor's property. The Office of Citizen Complaints could not specifically confirm the identity of each officer associated with the destruction of real property or with the destruction of each item of personal property described by the complainant. The Officer in Charge of the identified Tactical operation properly filled out the required Department memorandum, stating property had been destroyed and made the appropriate itemizations regarding such destruction. This property memorandum is a matter of public record. The evidence proves that the acts, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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SUMMARY OF ALLEGATION #1: The complainant was not notified by any member of the San Francisco Police Department of the recovery of her stolen property (a firearm).

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

FINDINGS OF FACT: The complainant's property (a firearm) was documented in an Incident Report as stolen. The property was subsequently recovered by the San Francisco Police Department. The complainant was notified by a third party that her property had been recovered. The complainant never received any notification from the San Francisco Police Department of the recovery of her property. The complainant notified the assigned Inspector that her property had been recovered. The assigned Inspector had no knowledge of the property as recovered. The Office of Citizen Complaint's investigation discovered that the San Francisco Police Department has no notification procedure or written orders in place to notify persons/victims of the recovery of their stolen property. Department representatives cite the lack of technology for the failure to notify persons/victims. The Office of Citizen Complaint's will work with the San Francisco Police Department to establish written guidelines to address the Department's deficiency.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement of the law.

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

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

SUMMARY OF ALLEGATIONS #2-3: The officers acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The named members denied acting inappropriately or making inappropriate comments during their interaction with the complainant. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member and his partner stated that no force was used against the complainant during this police contact. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The named member and his partner stated that no profanity was used at the scene of this incident. There were no other identifiable witnesses to the officers' contact with the complainant. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/07 **DATE OF COMPLETION:** 04/14/07 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: IO(2) **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: