

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/07 **DATE OF COMPLETION:** 05/15/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated a young woman assaulted him without provocation. He stated he was with a friend but could not identify this person. The officers stated he was detained for acting erratically, e.g., yelling and screaming and throwing his shoes at a MUNI bus. The officers stated the complainant did not say anything about being assaulted and had no visible injuries. The officers further stated that an anonymous citizen told them the complainant was yelling at three young women for no reason. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during the complainant's detention and arrest.

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

FINDINGS OF FACT: The complainant stated that while he was detained, the officers pushed him to the ground and the female officer placed her foot on the complainant's neck. The complainant further stated that during his arrest, the male officer forcefully grabbed his arm, causing a bruise. A bruise on the complainant's upper arm was visible at the time of his Office of Citizen Complaints interview. Both officers stated they grabbed the complainant's arms and told him to put his hands behind his back. When he refused, the officers took the complainant to the ground using Department -approved physical control. The female officer denied placing her foot on the complainant's neck. The officers stated the complainant did not complain of pain or have any visible injuries. 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 #1: The officer used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The juvenile complainant acknowledged assaulting a woman to steal the woman's purse. The complainant also acknowledged she ran from the officer and refused orders to get on the ground. The complainant further stated she did not complain of pain to the officer. The officer stated he witnessed the complainant brutally assaulting a French tourist. He stated he struggled with the complainant as she resisted arrest. The officer stated he was forced to use his baton and delivered a slight tap to the complainant's lower body. The officer's actions were proper.

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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated he observed the complainant make an illegal right turn and cited the complainant for doing so. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant stated he refused to sign the citation. The officer stated he advised the complainant that he would be arrested if he failed to sign the citation. The officer's 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 stated she was detained by the officers without justification while exiting a store. The officer stated the complainant was loitering outside the business at the time of the encounter. There were no identified witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer told her she was not to be in the area of 16th and Mission Streets. The complainant claimed the officer threatened her and said he would “put five cases on her and five zips of dope.” The officer denied the allegation. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to provide his star number.

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

FINDINGS OF FACT: The complainant stated she requested the officer's star number and the officer refused to provide it. The officer denied the allegation. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity. The officer denied using profanity during his encounter with the complainant. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer acted inappropriately. The officer denied the allegation. There are no identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/28/07 **DATE OF COMPLETION:** 05/25/07 **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 named officer denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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DATE OF COMPLAINT: 03/06/07 **DATE OF COMPLETION:** 05/15/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was properly cited for selling items on the street without a permit; those items were properly seized. However, the complainant stated the officers improperly seized property that was not for sale. One officer stated the seized property consisted of items for sale as well as cases and bags they were packed inside and the metal cart used to transport the items. The second officer stated all of the property seized was displayed for sale. This officer further stated the complainant's hand truck was seized to transport these items to the station. The officers' conduct was proper.

SUMMARY OF ALLEGATION #3: The officer failed to properly prepare a property receipt.

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

FINDINGS OF FACT: The complainant stated he had about twenty videocassettes displayed for sale; the rest of his property (thirty to forty videocassettes, seventy to eighty books, clothes and toiletries) was packed into five bags and packed onto a hand truck. The property receipt showed that the officer itemized and described five bags and provided a description of the contents of each bag. The officer stated that it was not possible to itemize every item in every bag because of the sheer number of items involved. The officer's preparation of the property receipt was in accordance with Department procedure, as printed on the back of the property receipt. Further, the complainant did not complain of any missing property. The officer's actions were proper.

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DATE OF COMPLAINT: 03/09/07 **DATE OF COMPLETION:** 05/16/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer arrested the complainant because he was observed engaging in a narcotics transaction. The narcotics recovered from the complainant were tested by SFPD crime lab and determined to be base cocaine and marijuana. Per DGO 2.01, the officer had the authority to arrest the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred, and such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS # 2-3: The officer strip-searched the complainant without cause.

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

FINDINGS OF FACT: The arresting officer requested that a strip-search be conducted based on the fact the complainant was observed retrieving narcotics from his undergarments to sell them. The supervising officer authorized the strip-search based on the same facts and to ensure that there was no other hidden contraband on the complainant's person. The evidence proved that the act, which provided the basis for the allegation, occurred, and such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer and witness officers denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS # 5: The officer used sexually defaming language.

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

FINDINGS OF FACT: The officer and witness officers denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/13/07 **DATE OF COMPLETION:** 05/24/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer lied during his court testimony.

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

FINDINGS OF FACT: The complainant was convicted of assaulting an officer with a knife. The officer stated his testimony in court was complete, true, and accurate. There were no additional 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: The officer issued a citation without cause.

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

FINDINGS OF FACT: The named officer denied the allegation. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: Inappropriate comments and behavior.

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

FINDINGS OF FACT: The named officer denied the allegation and provided an audio recording of the contact that corroborated his account of the contact with this complainant. The complainant failed to provide additional requested evidence. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated the officer raised his voice and threatened to issue him a citation if the officer signed off on a fix it ticket. The officer denied the allegation. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/19/07 **DATE OF COMPLETION:** 05/17/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was cited for driving her vehicle without headlights 24250 VC. The complainant was unaware her lights were out until being stopped. The complainant did not dispute the officers explanation for the stop. The officer stated the complainant's dashboard lights were out upon looking inside the vehicle. The officer's conduct was proper.

SUMMARY OF ALLEGATION #2: The officer threatened and used inappropriate language/behavior.

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

FINDINGS OF FACT: The complainant alleged the officer used inappropriate behavior/language while instructing the complainant how to perform the field sobriety test. The complainant alleged the officer told her in a threatening manner if she didn't go to the DMV within five days she would have her license revoked. The witness who was inside the complainant's car with the windows rolled up did not hear the conversation between the complainant and the officer during the field sobriety test. The officer denied threatening or using inappropriate behavior/language during the traffic stop. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-3:The officers entered the complainant's residence without a warrant or consent.

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

FINDINGS OF FACT: The complainant said the officers entered his apartment unit without a warrant or consent. The officers denied the allegation and submitted a copy of the search warrant they used. The search warrant particularly described the residence of the complainant. The complainant's roommate said the officers had with them a search warrant and showed it to him during the contact. 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 proper.

SUMMARY OF ALLEGATION #2-6: The officers entered his room without his consent.

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

FINDINGS OF FACT: The complainant alleged that the officers entered and searched his room without his consent. The evidence shows that the officers had with them a warrant to search the complainant's residence. The complainant's roommate corroborated this. 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 proper.

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SUMMARY OF ALLEGATION #7-9: The officers misused their authority.

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

FINDINGS OF FACT: The complainant alleged that the officers misused their authority by threatening him that they will return to his apartment to arrest him and tear his place down if he will not cooperate with them. The officers denied the allegation. One witness was not present the entire time that the officers were present. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10-12: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officers behaved inappropriately. The complainant said the officers instructed him to buy drugs from his friends and to become their informant. The complainant further said the officers would provide him the money needed for the transaction. The complainant's roommate corroborated this. The officers denied the allegation. One witness said the officers did not instruct them to buy drugs, nor proposed to provide money for the transaction. No other witnesses came forward in reference to this allegation. There is insufficient evidence to either prove or disprove the allegation. Even if proven that the officers made the statements that have been attributed to them the statements do not rise to the level of sustainable misconduct.

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: OCC was not able to identify the officer who committed the alleged acts.

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

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

FINDINGS OF FACT: OCC was not able to identify the officer who committed the alleged acts.

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SUMMARY OF ALLEGATION #1: The officer prevented the complainant from entering a bank.

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

FINDINGS OF FACT: The complainant was prevented from entering a bank after acting strangely and making disturbing comments to a police officer and a bank security guard. The armed security guard stated the complainant was talking about terrorism and making advances towards the police officer's gun belt. The security guard told the officer not to allow the complainant inside the bank. The officer stated the complainant was verbally abusive and said the CIA and FBI were following him. The officer stated that complainant refused orders to stay away from her gun side. The officer stated the armed security guard told her not to allow the complainant into the bank and she complied with that request. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officer acted in an angry manner and threatened to cite her for a misdemeanor and tow her car away without cause to do so. The officer denied making these threats and stated he was concerned and professional and tried to explain to the complainant what she needed to do to renew her license. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #2: The officer detained the complainant for an unreasonable period of time.

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

FINDINGS OF FACT: The complainant alleged she was detained for approximately forty-five minutes. According to Emergency Communications Department records, the detention lasted twenty-five minutes. The officer stated the detention lasted about twenty minutes and he then spent five minutes entering information into the computer and completing his notes. The detention lasted for a reasonable period of time for a complicated traffic stop. The officer's conduct was proper.

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SUMMARY OF ALLEGATION #1: The officer failed to prepare an accurate citation.

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

FINDINGS OF FACT: The complainant alleged that the officer cited her for failure to yield and when she went to court, the officer stated he cited the complainant for failing to stop at a stop sign. According to citation #003293242 provided by San Francisco Municipal Court, the complainant was cited for a violation of CVC §22450(a), failing to stop at a stop sign. The officer's citation was accurate. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-3: The officers stopped the complainant from entering his residence during a police search.

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

FINDINGS OF FACT: The complainant, who lives with his mother, stated a uniformed sergeant at the gate in front of the house would not let him go inside his residence because officers were looking for someone with a gun inside the house. All officers questioned denied knowing the complainant and that he was impeded from entering his residence. No witnesses came forward for interviews despite multiple OCC requests. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated there were at least two officers inside their house when they arrived. The complainants gave conflicting statements whether the arrestee followed by the police into the house, had keys to the residence. The officers stated they entered the house after the arrestee had given them the keys to the house and garage in order to retrieve a stolen motorcycle the arrestee was driving without a license or helmet. No witnesses came forward for interviews despite multiple OCC requests. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8-11: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated he saw two unidentified plainclothes officers searching inside his residence. The co-complainant said two unidentified plainclothes officers inside her residence asked her and the complainant to open their respective bedrooms to look for someone and they both voluntarily unlocked their bedroom doors. The officers stated they entered the residence in pursuit of two subjects on parole and probation. These subjects fled from the officers to hide inside the house while the officers were still processing stolen property from the residence. The officers conducted a protective sweep to remove the non-resident subjects from inside the house rather than conduct a search of the residence. OCC requests for interview of other witnesses inside the residence were not returned. The preponderance of the evidence established that entry into two bedrooms was made with the owners consent and limited to a visual search for hidden subjects. The officers' actions were lawful and proper.

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: Officers 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 May 11, 2007.

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FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made a selective enforcement traffic stop.

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

FINDINGS OF FACT: The complainant claimed he was pulled over on a seatbelt violation due to racial profiling. The office denied the allegation stating he did not stop the complainant because of his ethnicity. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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SUMMARY OF ALLEGATION #1: The officer detained and searched the complainant's son without justification.

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

FINDINGS OF FACT: The complainant stated that several days before he was murdered, her son called her and said the named officer detained and searched him in a public place, found drugs in his possession, and returned them in front of multiple witnesses, thereby identifying him as an informant. The named officer said "Merry Christmas" as he did this, and told the complainant's son that his name would be on a nearby wall listing the names of murder victims in four days. A friend of the complainant's son said he telephoned her and said two police officers were approaching him. He called back soon afterwards and told her that the officers handcuffed and searched him and found crack cocaine that they held up in front of his friends and then returned to him, saying "Merry Christmas." The complainant's son told this friend that he believed the named officer had purposely identified him as an informant. A witness who lives in the immediate area said that several days before the complainant's son was killed, she saw two non-uniformed officers detain and handcuff the complainant's son, search his car and find a clear plastic bag containing white rocks. A short time later, the named officer and another uniformed officer arrived. This witness heard the named officer tell the two non-uniformed officers to uncuff the complainant's son. This witness did not see the clear plastic bag returned to the complainant's son, and did not hear the named officer tell the complainant's son that his name would soon be on a nearby wall. The named officer stated that he had multiple contacts with the complainant's son in the years prior to his murder, and that the last time he saw the complainant's son was four days before his murder. The named officer stated that on this occasion, he saw two officers having some type of interaction with the complainant's son, which ended by the time he reached their location. The named officer denied searching the complainant's son, finding drugs and returning them, or telling him his name would be on a nearby wall. The named officer refused to answer questions posed by the Office of Citizen Complaints concerning statements by civilians claiming they saw him return drugs to the complainant's son. One of the two officers who the named officer identified as having an interaction with the complainant's son on this date said he vaguely recalled this encounter with the complainant's son. This officer did not recall searching the complainant's son and finding drugs, and said he thinks the named officer came over after the encounter ended. This officer's partner said he did not recall this encounter with the complainant's son. The unit histories for the named officer and these two non-uniformed officers do not reflect a contact with the complainant's son, although the named officer's unit history indicates that he ran the license plate number of a vehicle at the location where the contact with the complainant's son is alleged to have taken place. Office of Citizen Complaints could not establish a link between this vehicle and the complainant's son. The San Francisco Police Department refused to provide the Office of Citizen Complaints with any information about witnesses who claimed to have seen the named officer take and return drugs to the complainant's son, and refused to allow the Office of Citizen Complaints to interview the officer who is investigating the complainant's son's homicide because the case is still open. The Office of Citizen Complaints attempted to identify and interview other witnesses to this incident without success. The refusal of the named officer and the Department to provide the Office of Citizen Complaints with information concerning potential witnesses to this incident limited the ability of the Office of Citizen Complaints to effectively investigate the allegations. With the limited evidence available, there is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #2: The officer failed to take required action and failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that several days before he was murdered, her son called her and said the named officer detained and searched him in a public place, found drugs in his possession, and returned them in front of multiple witnesses. As stated above, there is insufficient evidence to prove or disprove the allegation. The officer denied the allegation.

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

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

FINDINGS OF FACT: The complainant stated that several days before he was murdered, her son called her and said the named officer detained and searched him in a public place, found drugs in his possession, and returned them in front of multiple witnesses. The named officer said "Merry Christmas" as he did this, and told the complainant's son that his name would be on a nearby wall listing the names of murder victims in four days. As stated above, there is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/05 **DATE OF COMPLETION:** 05/11/07 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION # 4: The officer harassed the complainant's son.

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

FINDINGS OF FACT: The complainant stated that several days before he was murdered, her son called her and said the named officer detained and searched him in a public place, found drugs in his possession, and returned them in front of multiple witnesses. The named officer said "Merry Christmas" as he did this, and told the complainant's son that his name would be on a nearby wall listing the names of murder victims in four days. The complainant stated that the named officer had a history of harassing her son. The named officer denied harassing the complainant's son. As stated above, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/07 **DATE OF COMPLETION:** 05/10/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer conducted an improper pat search of the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officers interfered with the rights of onlookers.

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

FINDINGS OF FACT: The officers statements in conjunction with the complainants own accounts show that the complainant engaged the cited party in conversation as the officers conducted their traffic stop and the admonishment to the motorist, who was not cited. There is no evidence that the officers interfered with the complainant's right to be present while the officers engaged the cited party.

SUMMARY OF ALLEGATION #2: The San Francisco Police Department encourages and condones the practice of racial profiling.

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

FINDINGS OF FACT: The OCC finds that no such policy exists and that there is no basis for a racial profiling allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/07 **DATE OF COMPLETION:** 05/18/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer was rude.

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 January 2, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

-

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant admitted committing the violation for which he was cited.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/07 **DATE OF COMPLETION:** 05/10/07 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: Officer is no longer employed by San Francisco Police Department.

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

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

FINDINGS OF FACT: Officer is no longer employed by San Francisco Police Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/07 **DATE OF COMPLETION:** 05/10/07 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: Officer is no longer employed by San Francisco Police Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/07 **DATE OF COMPLETION:** 05/07/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/07 **DATE OF COMPLETION:** 05/11/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to: Auto Return & Department Parking Traffic Enforcement
750 7th Street 505 7th Street
San Francisco, CA 94103 San Francisco, CA 94103

SUMMARY OF ALLEGATION #2: This complaint raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: Complainant raises matters outside OCC's jurisdiction. Referred to Auto Return and Department Parking Traffic Enforcement.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/07 **DATE OF COMPLETION:** 05/11/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer moved the complainant's car without justification.

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim. When contacted by the OCC, the individual who filed the claim refused to pursue a police misconduct complaint regarding the incident.

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

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim. When contacted by the OCC, the individual who filed the claim refused to pursue a police misconduct complaint regarding the incident.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/07 **DATE OF COMPLETION:** 05/04/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was filed in connection with a claim against the San Francisco Police Department for the damages caused to the personal property by its officers. However, when contacted by the OCC, the individual who had submitted the claim, refused to file any misconduct complaint against the involved police officers.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/07 **DATE OF COMPLETION:** 05/10/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to return the claimant's property.

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

FINDINGS OF FACT: Claimant requested withdrawal of the OCC complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/06 **DATE OF COMPLETION:** 05/16/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer hit the complainant's parked car with a police vehicle.

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

FINDINGS OF FACT: The complainant withdrew the complaint and does not wish to pursue the matter through the Office Of Citizen Complaints.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/07 **DATE OF COMPLETION:** 05/15/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The claimant does not choose to pursue an OCC complaint.

SUMMARY OF ALLEGATION #2: The officer failed to return complainant's tow fees

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

FINDINGS OF FACT: The claimant does not choose to pursue an OCC complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/07 **DATE OF COMPLETION :** 05/21/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to provide the claimant with correct information regarding towed vehicle.

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

FINDINGS OF FACT: The claimant did not contact the OCC to be interviewed despite several contact attempts.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/07 **DATE OF COMPLETION:** 05/10/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to: Auto Return
750 7th Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/07 **DATE OF COMPLETION:** 05/16/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/07 **DATE OF COMPLETION:** 05/22/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/07 **DATE OF COMPLETION:** 05/01/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

Management Control Division
San Francisco Police Department
850 Bryant Street, Rm. 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/06 **DATE OF COMPLETION:** 05/17/07 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers used unnecessary force in arresting the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officers who pursued and arrested him used unnecessary force in doing so. The officers denied the allegation, stating that the complainant avoided arrest and when confronted, posed violent resistance to their efforts to place him into custody. No witnesses came forward. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #4-5: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant alleged that the officers who pursued and arrested him drew their service weapons without justification. The officers denied the allegation, stating that the complainant was alleged to have participated in an attempted homicide with a gun within the immediate vicinity of the location of his arrest. The officers said that they drew their weapons for officer safety purposes based on previous information received from the Department of Emergency Communications that the complainant was sought for having allegedly perpetrated an attempted homicide with a firearm. In its investigation, the Office of Citizen Complaints (OCC) learned that the complainant was described as being in close proximity to a shooting by a witness to the shooting. The same witness later reported seeing the complainant near the address of the shooting, contacted police and provided police with the complainant's name and a precise physical description of the complainant. Because officers received reliable information that the complainant had been involved in a shooting, that the complainant was near the same address, that his presence was reported by the same witness, and that the complainant was known to have recently carried a firearm, a preponderance of the evidence proved that the acts which provided the basis for the allegations occurred. Such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/06 **DATE OF COMPLETION:** 05/17/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #6: The officer displayed his weapon without justification.

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

FINDINGS OF FACT: The complainant stated he was that one of the officers drew his firearm and threatened to shoot the complainant's grandmother. The identity of the alleged officer has not been established. No civilian witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-9: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers who arrested him had no probable cause to do so. The Office of Citizen Complaints investigated and concluded otherwise. Public records reflect that a witness contacted the police and stated that the complainant was in the immediate vicinity and requested that police respond. The officers responded to the scene based on the witness' physical description of the complainant at the time of the incident and a current physical description. The description included the complainant's physique, his clothing and his known nickname. The officers had previously reviewed information regarding a crime in which the complainant was alleged to have committed and in the process, had reviewed the complainant's physical description. The Office of Citizen Complaints reviewed the audio version of the San Francisco Police Department Computer Aided Dispatch prepared by the Department of Emergency Communications (ECD). In the audio version, one of the officers' footchase of the complainant is clearly audible. A preponderance of the evidence proves that the act, which provided the basis for the allegation occurred. However, the act was justified lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/06 **DATE OF COMPLETION:** 05/17/07 **PAGE# 3 of 3**

SUMMARY OF ALLEGATIONS #10: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that officers contacting bystanders during his arrest made inappropriate comments to them. The alleged comments were unspecified. The officers known to have had direct contact with bystanders denied making inappropriate comments. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 11: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant alleged that the officers interfered with the rights of onlookers during his arrest. The complainant was unable to articulate which officer drew his service weapon. There was a discrepancy in the evidence as to which officer drew his department issued service weapon. No witness came forward. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/06 **DATE OF COMPLETION:** 05/16/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer did not investigate all the facts when she placed his son into custody. The officer denied the allegation. One witness, a school administrator, stated the police investigation is separate from the school investigation, but stated all parties involved were interviewed, including the janitors mentioned by the complainant's son. The investigation established that the investigation conducted by the officer was complete.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened him with arrest and said he had no right to be present during the interview with his son, but she was allowing him to be present as a courtesy. The officer stated that, when she read the Miranda advisement to the complainant's son, the complainant became verbally combative. The officer said she warned the complainant that he was interfering with her investigation, and told him she had the right to exclude him from the interview, but that, as a courtesy, she allowed him to remain in attendance. One witness, a school administrator, stated the officer did not threaten the complainant, but the officer did tell the complainant that he was interfering with the investigation. The witness described the officer's demeanor as fair, direct, and assertive. The officer's comments and behavior were appropriate to the circumstances.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/06 **DATE OF COMPLETION:** 05/16/07 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer arrested his son without having all the facts or talking to all the witnesses. The officer denied the allegation. One witness, a school administrator, indicated that the school investigation, which is separate from the police investigation, established facts that indicated a crime had occurred. Written statements from witnesses indicated that the complainant's son did commit the act for which he was arrested. The officer had probable cause to arrest the complainant's son.

SUMMARY OF ALLEGATION #4: The officer harassed the complainant and his son.

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

FINDINGS OF FACT : The complainant stated the officer has harassed him and his son since the beginning of the school year for no reason and has distaste and disdain for him and son. The officer denied the allegation. The complainant's son recalled one previous contact with the officer. One witness, a school administrator, said she was not aware of any animosity between the officer and the complainant prior to this incident. However, the witness stated that the complainant's son has had a previous incident that lead to suspension and recalled that the same officer was involved in the investigation. The officer is the School Resource Officer assigned to the school and necessarily comes into contact, including occasional adverse contact, with students and parents. There is insufficient evidence to establish whether or not the officer singled out the complainant and his son for adverse treatment.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 0/15/07 **DATE OF COMPLETION:** 05/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The claimant failed to respond to Office of Citizen Complaint's request for an interview. The claimant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/07 **DATE OF COMPLETION:** 05/10/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim against the San Francisco Police Department for the damages caused to a personal vehicle by a Department car. When contacted by the OCC, the individual who had been involved in the collision refused to pursue any misconduct complaint against the involved officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/07**DATE OF COMPLETION:** 05/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The claimant failed to respond to OCC's request for an interview. The claimant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: A claim for monetary damages filed by the insurance company for an individual whose car was towed by the San Francisco Police Department was forwarded to the Office of Citizen Complaints. Office of Citizen Complaints contacted the owner of the vehicle who initially said he could not say whether or not he would like to pursue or withdraw a complaint because his insurance company had filed the complaint on his behalf. The vehicle owner called the Office of Citizen Complaints the following day and said he was upset about the Office of Citizen Complaints initiating a complaint without his consent and he did not want anything to do with the Office of Citizen Complaints. The vehicle owner was advised that his complaint would be withdrawn.

SUMMARY OF ALLEGATION #2: The officer failed to safeguard the claimant's property.

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

FINDINGS OF FACT: A claim for monetary damages filed by the insurance company for an individual whose car was towed by the San Francisco Police Department was forwarded to the Office of Citizen Complaints. Office of Citizen Complaints contacted the owner of the vehicle who initially said he could not say whether or not he would like to pursue or withdraw a complaint because his insurance company had filed the complaint on his behalf. The vehicle owner called the Office of Citizen Complaints the following day and said he was upset about the Office of Citizen Complaints initiating a complaint without his consent and he did not want anything to do with the Office of Citizen complaints. The vehicle owner was advised that his complaint would be withdrawn.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The claimant filed a claim against the City and County of San Francisco seeking compensation for damage done to doors, frames and locks during a search of her house by the San Francisco Police Department. The Office of Citizen Complaints contacted the claimant, who said she did not wish to make a complaint against the officer. Police Department records establish that the officer damaged doors at the claimant's home while serving a search warrant, and that the officer documented all damage as required by Department regulations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/07 **DATE OF COMPLETION:** 05/24/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she asked the officers to arrest the suspect for assaulting her. The complainant said she signed a citizen's arrest but the officers did not remove the suspect from the facility. Department records indicate the officers cited and released the suspect at the scene for section 242 of the penal code. The officers' actions were in compliance with department rules and state law.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/07 **DATE OF COMPLETION:** 05/22/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants did not respond to Office of Citizen Complaint's request for an interview, moved, and their whereabouts are unknown. The complainants are no longer available for questioning.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was involved in a hit-and-run accident, and that the officers failed to properly investigate. The officers stated that after interviewing the other driver involved in the accident, the officers established that there was no hit-and-run. The officers stated that they facilitated the exchange of information between the two parties involved in a non-injury vehicle accident. The other driver failed to respond to OCC's request for an interview. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers were rude and behaved inappropriately.

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

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

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

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

FINDINGS OF FACT: The complainant stated that he was involved in a hit-and-run accident. The complainant alleged that the other driver involved in the accident was intoxicated, and that the officers failed to take any action. The officers stated that the other driver did not show signs of intoxication. The other driver failed to respond to OCC's request for an interview. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers failed to prepare an Incident Report.

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

FINDINGS OF FACT: The complainant stated that he was involved in a hit-and-run accident. The officers stated that after interviewing the other driver involved in the accident, the officers established that there was no hit-and-run. The officers stated that they facilitated the exchange of information between the two parties involved in a non-injury vehicle accident. The other driver failed to respond to OCC's request for an interview. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-3: The complainant and co-complainants alleged that the officers detained the co-complainants at gunpoint without justification.

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

FINDINGS OF FACT: The complainant and co-complainants alleged that the officers should not have detained and removed the co-complainants at gunpoint from their vehicles. The officers denied the allegation. The Office of Citizens Complaints (OCC) spoke to two witnesses regarding this incident. OCC sought to speak to three other persons directly involved in this incident, but they did not respond to the OCC's queries. The first witness described being within one block of the incident complained of when he and two co-workers became victims of an armed robbery and assault by 5-7 young African American male adults one hour earlier. This same witness said he saw the same men assembled near the scene of the incident complained of, next to two parked cars of the same vehicle model as those owned by the co-complainants. The witness stated that the vehicles were very similar to each other, with custom features, but were painted different colors. He saw the vehicles parked on the same side of an alley, one behind the other. The witness named the model of the vehicles owned by the co-complainants during his interview. Based on this combination of facts, including the proximity in time, location, the description of the vehicles, and the description of the parties, the officers had a reasonable, articulable basis for which they could detain the co-complainants for the purpose of a felony investigation at gunpoint. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The complainant and co-complainants alleged that the officers transported the co-complainants to Southern Station without justification.

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

FINDINGS OF FACT: The complainant and co-complainants alleged that the officers should not have transported them to the police station, stating that the officers could have completed their investigation at the scene. The co-complainants further added in their OCC recorded interviews that they had no criminal history. The officers questioned denied the allegation, all while denying they transported the co-complainants. The OCC was unable to identify the officers who transported the co-complainants. The OCC confirmed that the co-complainants had no criminal history. However, based on the co-complainants' statement, the statement provided by the witness interviewed by the OCC, as well as Department records, the evidence clearly suggested that a hostile crowd had gathered at the scene. It was reasonable, for the sake of the co-complainants, as well as the officers, that the co-complainants be transported to the station. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #5-7: The complainant and co-complainants alleged that the officers detained them for a prolonged period of time.

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

FINDINGS OF FACT: The complainant and co-complainants alleged that the officers detained the co-complainants at the police station for a prolonged period. The co-complainants stated in their OCC interview that they had no criminal history and alleged they were held in the holding area of the police station for an unnecessary, prolonged period of time. The co-complainants based their allegation of prolonged detention on the total length of time they were held at the police station, which they stated was over an hour. During that period of time, the officers verified the background of four detained individuals, including the two co-complainants, their two vehicles, and attempted to contact three victims of an armed robbery that had occurred an hour prior to the incident complained of. The officers based their initial detention of the co-complainants on an armed robbery and battery within a block of the incident complained of. The officers issued the co-complainants Certificates of Release, required by Penal Code 849b. Based on the procedures required to clear the co-complainants, their companions, and contact the victims, as well as the officers issuing the appropriate release forms, the evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #8-10: The complainant and co-complainants alleged that officers searched their private vehicles without cause.

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

FINDINGS OF FACT: The complainant and co-complainants alleged that the officers searched their vehicles without cause. The OCC spoke to two witnesses regarding the incident. One witness described being within one block of the incident complained of when he and two co-workers became victims of an armed robbery and assault by 5-7 young African American male adults one hour earlier. This same witness said he saw the same men assembled near the scene of the incident complained of, near two parked cars of the same vehicle model as those owned by the co-complainants. The witness stated that the vehicles were very similar to each other, with custom features, but painted different colors. He saw the vehicles parked on the same side of an alley, one behind the other. The witness named the model of the vehicles owned by the co-complainants during his interview. The officers denied the allegation. Based on the time, location, description of the vehicles, and description of the suspects, the officers had a reasonable, articulable basis for which they could search both of the co-complainants' vehicles. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #11: The complainant and co-complainants alleged that officers drove their private vehicles without consent.

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

FINDINGS OF FACT: The complainant and co-complainants alleged that officers drove their vehicles without their consent to the police station for further investigation. The OCC was unable to identify the officers who drove the co-complainants' vehicles. The OCC interviewed a witness at the scene and contacted three others, who did not respond back. The OCC contacted the officers involved in the incident. All of them stated that the Officer in Charge secured permission from the co-complainants prior to any vehicle being moved from the scene. At the same time, none of the officers at the scene acknowledged driving any vehicles. The OCC secured police department records confirming that at least one member of the co-complainant's group had given permission to the Officer in Charge for officers to drive his vehicle back to the police station. The OCC was unable to acquire independent confirmation that the co-complainants had authorized the Officer in Charge to remove their vehicles from the scene. The evidence failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #12: The complainant and co-complainants alleged that the officer used tight handcuffs.

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

FINDINGS OF FACT: The co-complainant alleged that an officer used tight handcuffs in his detention. The co-complainant did not describe the officer. The OCC interviewed the witness who saw this particular co-complainant placed in handcuffs. She did not observe the co-complainant complain of pain, and made no statement regarding the handcuffing. No other witnesses came forward. The evidence failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #13: The co-complainant alleged that an officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The co-complainant alleged that an officer used unnecessary force in his detention, allegedly pushing him too hard into a patrol vehicle so that he hurt his head. The co-complainant did not describe the officer and the OCC was unable to identify the officer who placed the co-complainant into the patrol vehicle. The OCC interviewed the witness who saw this particular co-complainant placed into the patrol vehicle. She did not observe the co-complainant bump his head, complain of pain, and made no statement regarding this aspect of the incident. No other witnesses came forward. The evidence failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #14: The officer failed to properly process the co-complainant's property.

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

FINDINGS OF FACT: The co-complainant alleged that an officer took possession of his driver's license for investigation purposes and failed to return it. The co-complainant gave a minimal description of the officer and the OCC was unable to identify the responsible officer. The OCC contacted several witnesses to the incident, but not all of them came forward. The officers denied the allegation. The evidence failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #15: The officers made inappropriate remarks.

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

FINDINGS OF FACT: The co-complainant alleged that an officer who drove his car to the station made inappropriate remarks regarding the quality of his car, allegedly alluding to the fact that he should not be entitled to own such a car, or perhaps the car did not belong to him. The OCC was unable to confirm which officer drove the co-complainant's vehicle. All officers questioned denied making any inappropriate remarks or overhearing any inappropriate remarks. The OCC contacted several witnesses to the incident, but not all of them came forward. The evidence failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him for speeding and for the absence of several required items in his taxicab although, according to the complainant, his speed did not exceed the limit at the time and he, in fact, produced all the items requested by the officer. The co-complainant in this case, who was the passenger in the cab at the time of the incident, stated that the cab was going “pretty fast,” but she could not estimate the exact speed of the car. The co-complainant also stated that she was not present throughout the entire incident and she did not hear the complainant’s conversation with the officer regarding the items that were supposed to be present in the taxicab. The second passenger in the vehicle at the time of this incident did not respond to the OCC’s requests for an interview. The officer maintained that his citation was lawful and proper. The video camera posted in the area did not capture the travel of the complainant’s car before the traffic stop. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant, a San Francisco cabdriver who was stopped and cited by the officer stated that the officer was rude and he made inappropriate comments to him and to his passengers. One of the two passengers in the complainant’s car at the time of the incident, who decided to become a co-complainant in this case corroborated the allegation. The second passenger did not respond to the OCC’s requests for an interview. The officer claimed that he was “more than professional” and polite during this police contact but partially admitted making the alleged comments. By a preponderance of the evidence, the allegation is sustained. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

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DATE OF COMPLAINT: 05/02/07 **DATE OF COMPLETION:** 05/15/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer unnecessarily harassed area motorists

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

FINDINGS OF FACT: The anonymous complainant stated the officer unnecessarily stops and harasses area motorists. A review of Department records disclosed that the officer was performing his assigned duties.

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 of OCC jurisdiction

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

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

San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/14/07 **DATE OF COMPLETION:** 05/21/07 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The claimant did not provide additional requested information and did not contact the OCC despite contact attempts made by the OCC.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/09/06 **DATE OF COMPLETION:** 05/02/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer(s) failed to investigate and document in a report the damage caused to her garage door by her former tenant. The complainant also stated that she was not present at the time of this incident and relied on the information regarding the occurrence on her new tenant. This witness gave the Office of Citizen Complaints an inconclusive and contradictory statement regarding the incident and could not provide any descriptive information concerning the responding officers and their actions at the scene. One officer questioned by the Office of Citizen Complaints in connection with this complaint denied the alleged misconduct. The officers partner has left the police department and is no longer subject to department discipline. The available evidence was insufficient to name any specific officer on the allegation and to provide or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. Failure to provide medical attention while incarcerated at San Francisco County Jail. This allegation (or: complainant) has been referred to the San Francisco County Sheriff's Office.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/24/07 **DATE OF COMPLETION:** 05/25/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to respond in a prompt and timely manner.

CATEGORY OF CONDUCT: ND **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 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 ALLEGATIONS # 1-2: The officers used unnecessary force on the complainant.

CATEGORY OF CONDUCT: UF

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officers used unnecessary force on him without justification. The complainant stated the officers struck him with a baton and was pushed to the ground. The complainant stated he was cooperative and did not attack the officers. The officers stated the complainant was uncooperative, aggressive, and hostile. The officers stated the complainant grabbed and lunged at them. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated he was arrested without any justification. The complainant admitted to consuming a few alcoholic beverages before the incident. The officers stated the complainant was under the influence of alcohol. The officers stated the complainant was uncooperative and resisted the officers. The officers stated the complainant attacked them. A witness, the reporting party stated that the complainant was intoxicated, smelled of alcohol and refused to follow his instructions. There is insufficient evidence to prove that the complainant was intoxicated.

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SUMMARY OF ALLEGATION # 5: The complainant stated the officer made inappropriate comments and used inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer made fun of his driver's license photo and his clothing. The officer stated he was professional and did not comment on the complainant's license photo or his clothing. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION # 1-2: The officers failed to follow proper procedures for processing a 647 (f) PC.

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

FINDINGS OF FACT: The officers stated they completed the SFPD Form 69 and submitted at the station. The station was not able to locate this SFPD Form 69. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The complainant alleged that the officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments to the complainant in front of other members of her community, asking her in a loud voice whether she had “something to say.” The complainant alleged the officer was inferring she was an informant for the police department, which placed her in danger. The officer denied the allegation. He claimed not to recognize the name and stated he always conducted himself in a professional manner. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers detained her without justification. The officers stated a Confidential Reliable Informant provided information that the complainant was involved in narcotics trafficking. One named officer stated he observed the complainant place her hands deeply into the front waistline of her pants as the officer arrived on scene. The officer stated this action was indicative of a person attempting to hide contraband. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION #3: The officer requested a strip search and a strip search was completed without justification.

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

FINDINGS OF FACT: The complainant stated she was strip searched by a female officer at the district station. The named officer stated he observed the complainant reach deeply into the front waistline of her pants indicative of a person attempting to hide contraband. The officer further stated a Confidential Reliable Informant provided him information that the complainant was trafficking in narcotics. The officer stated a supervisor approved his request for the strip search and a female officer performed the requested and approved strip search at the station. The strip search produced negative findings but approximately \$220.00 was found in the complainant's clothing pockets. The supervisor has no independent recollection of this case. No independent witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated an officer searched her vehicle while she was at the district station. The complainant was not the owner of the vehicle and said she is uncertain whether the owner of the vehicle gave officers permission to search his vehicle when he arrived on scene. The complainant stated the vehicle owner was currently not speaking to her and she could not confirm whether permission was given by the owner. Witness officers stated the vehicle was searched due to the smell of marijuana coming from the vehicle. Officers were not certain who searched the vehicle. There are no independent witnesses to the search. There is insufficient evidence to prove or disprove whether the officers had cause or justification to search the vehicle.

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

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

FINDINGS OF FACT: The complainant stated items were missing from her vehicle and \$100.00 cash was not returned to her at the end of her detention. All officers denied knowledge of the missing items and stated the complainant received all her cash upon her release from the station. The complainant stated she received her cash in an envelope, left the station and drove away. The complainant then opened the envelope and determined \$100.00 was missing. The complainant stated she was uncertain of the exact amount of cash on her person at the time of arrest. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #: 7: The officer failed to issue a certificate of release.

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

FINDINGS OF FACT: The complainant stated she received no paperwork from the officer when she was released from custody following her detention. The officer stated he issued an 849B Certificate of Release to the complainant at the station. A Certificate of Release was attached to the Incident Report. Other officers stated an 849 B was issued to the complainant. There were no witnesses to the act of the officer providing a Certificate of Release at the time the complainant was released. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers stated the named officer's demeanor was professional or that they did not observe the conduct or hear the alleged statements. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. No witness officer admitted hearing the named officer use profanity. No independent witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/05 **DATE OF COMPLETION:** 05/22/07 **PAGE # 1 of 3**

SUMMARY OF ALLEGATIONS #1-2: The officers' conduct was rude, inappropriate, and intimidating.

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

FINDINGS OF FACT: The complainant stated the officers yelled at him to get back in his vehicle. The complainant stated the officers did not call the Captain when requested to do so. The officers stated they told the complainant to get out of the roadway for his safety. The officers summoned a Sergeant to the scene per the complainant's request. The witness did not provide a statement. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3: The officer behaved and spoke inappropriately toward the complainant.

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

FINDINGS OF FACT: The officer is no longer available and not subject to departmental discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/05 **DATE OF COMPLETION:** 05/22/07 **PAGE # 2 of 3**

SUMMARY OF ALLEGATIONS #4: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation without cause. The complainant stated he was adamant that he stopped his vehicle for a stop sign at an intersection. The officer stated he witnessed the complainant in his vehicle failed to fully stop at a stop sign. The officer stated the complainant told him he made a right turn and completed a rolling stop. The witness did not provide a statement. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer did not provide his name and star number upon request. The officer stated he did provide a name and star number upon request by the complainant. The witness did not provide a statement. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/05 **DATE OF COMPLETION:** 05/22/07 **PAGE # 3 of 3**

SUMMARY OF ALLEGATIONS #6: The officer failed to take required action.

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

FINDINGS OF FACT: The officer is no longer available and not subject to departmental discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/06 **DATE OF COMPLETION:** 05/30/07 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The officer's questions to the complainant, a passenger in a vehicle stopped for a routine traffic infraction, amounted to an unlawful detention in violation of the complainant's rights. The subsequent arrest was based on information obtained during the unlawful detention and was therefore unlawful.

SUMMARY OF ALLEGATIONS #2 and 3: The officers were harassing the complainant.

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

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

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DATE OF COMPLAINT: 08/30/06 **DATE OF COMPLETION:** 05/30/07 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #4: The officer's conduct was an act of selective enforcement.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied any knowledge of such motivation by the named member. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer conducted the search pursuant to, and in reliance on, the instructions of the arresting officer. Because the arrest was unlawful any subsequent actions that relate back to the unlawful arrest were also unlawful. There is insufficient evidence to prove that the named officer had any knowledge as to the illegality of the arrest, therefore a definitive finding cannot be reached.

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DATE OF COMPLAINT: 08/30/06 **DATE OF COMPLETION:** 05/30/07 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The officer conducted the search pursuant to an unlawful arrest. Because the arrest was unlawful, any subsequent action that relate back to the unlawful arrest were also unlawful. Therefore, the allegation against the arresting officer for conducting a search of the vehicle is sustained.

SUMMARY OF ALLEGATIONS #7 and 8: The officers searched a vehicle without cause.

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

FINDINGS OF FACT: The officers conducted the search pursuant to, and in reliance on, the instructions of the arresting officer. Because the arrest was unlawful any subsequent actions that relate back to the unlawful arrest were also unlawful. There is insufficient evidence to prove that the officers had any knowledge as to the illegality of the arrest, therefore a definitive finding cannot be reached.

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DATE OF COMPLAINT: 08/24/05 **DATE OF COMPLETION:** 05/24/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer stopped him for no reason. The officers stated that the complainant violated a traffic law, which is why he was detained. There were no other competent witnesses identified to this event. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: Unwarranted Action for the search without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched him for no reason. The officer stated that the complainant is a member of a gang, and was pat searched for weapons. The witness officers do not recall the search. There were no other competent witnesses identified to this event. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: Unwarranted Action for citing the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officer cited him for no reason. The officers stated that the complainant violated a traffic law, which is why he was cited. There were no other competent witnesses identified to this event. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer threatened him with arrest and told him to leave the area. The officer stated that he told the complainant he could be arrested if he did not sign the citation, presenting information, not a threat. One witness officer did not recall the event; the other said he did not witness any inappropriate comments. There were no other competent witnesses identified to this event. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 08/24/05 **DATE OF COMPLETION:** 05/24/07 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: Neglect of Duty for failure to properly complete the citation.

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

FINDINGS OF FACT: The complainant stated that the officer wrote the wrong date to appear on the citation, forcing him to contact the court for the correct date, which he did. One witness officer does not recall the incident; the other witness officer does not know anything about the citation. The named officer states he made a simple clerical mistake on the date, and did not mean anything by it. There were no other competent witnesses identified to this event. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: Conduct Reflecting Discredit for harassing the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer wrote the wrong date to appear on the citation, forcing him to contact the court for the correct date, which he did. One witness officer does not recall the incident; the other witness officer does not know anything about the citation. The named officer states he made a simple clerical mistake on the date, and did not mean anything by it. The named officer denied his action was meant to harass the complainant. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/06 **DATE OF COMPLETION:** 05/17/07 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: There were conflicting statements by the complainant and witnesses. Evidence of injury is not conclusive as to the cause of the injury. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

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

FINDINGS OF FACT: There was conclusive evidence that the complainant was in violation of at least one park code, which authorized the officer to issue the order.

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

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

FINDINGS OF FACT: There is conflicting evidence as to whether the officer promptly provided the complainant with his name and star number, therefore a definitive finding cannot be reached.

OCC ADDED ALLEGATION

SUMMARY OF ALLEGATION #1: The officer failed to log the use of force.

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

FINDINGS OF FACT: There is conflicting evidence as to how the complainant obtained the injury to his head. No officer is identified as having been responsible for making an entry as there is insufficient evidence that the criteria for the entry was met. A definitive finding cannot be reached.

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DATE OF COMPLAINT: 09/21/06 **DATE OF COMPLETION:** 05/11/07 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION # 1: The officer failed to provide an interpreter at the station.

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

FINDINGS OF FACT: The complainant said she asked the officer if he spoke Spanish to which the officer replied that he did not. The complainant said the officer responded that no one was available. The complainant told the officer that he is responsible for helping her, to which the officer responded by yelling at the complainant that he did not speak Spanish and for her to leave. The complainant said she returned 20 minutes later to get the officer's badge number, and the officer changed his attitude and offered to get a sergeant. The complainant declined the offer. The officer denied the allegation. A witness officer stated that the officer asked him to interpret, but when they got to the front, the complainant had left. There were no witnesses to the interaction between the officer and the complainant. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant told the officer that he was responsible for helping her, to which the officer responded by yelling at the complainant that he did not speak Spanish. The complainant said the officer yelled, "Get out of here! Get out of here!" The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 09/21/06 **DATE OF COMPLETION:** 05/11/07 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The co-complainant said that the officer did not return numerous calls to meet and discuss his on-going issues with a neighbor. The officer stated that, while he might not return every call, as a member for the command staff, he is regularly available to meet with individuals at the monthly community meeting at the station or at various community meetings throughout the district. The officer stated that, although a specific duty to return calls does not exist, he has a pattern and practice of personally returning every phone call or delegating that responsibility to another staff member. Witness officers stated that they frequently return phone calls on the officer's behalf; however, they did not recall the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officers failed to provide an interpreter at the scene.

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

FINDINGS OF FACT: The complainant said the officers did not speak Spanish, so she called her son to translate. The co-complainant stated that he had not witnessed the underlying incident between his neighbor and his mother and was merely serving as his mother's translator. One officer said that the son was interpreting and felt that she did not need to call for an interpreter. The other officer said the son agreed to be an interpreter so they did not feel the need to summon anyone else. Department Bulletin 06-178 was issued approximately three weeks before this incident, the officers stated that there was no training provided with the Department Bulletin 06-178. Both officers said that there were no exigent circumstances at the time. Because there were no exigent circumstances, under Bulletin 06-178, the officers were not to use the son to interpret and should have called for an interpreter. The department should have conducted a roll-call training in conjunction with the issuance of the bulletin to point out the major difference between this Department Bulletin and a previously issued Department Bulletin 06-34.

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SUMMARY OF ALLEGATION # 6-7: The officers failed to investigate the incident properly.

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

FINDINGS OF FACT: The complainant and co-complainant said that the officers did not list any witnesses in the report and therefore the Inspector, who was assigned to conduct an investigation into their complaint, was unable to conduct a thorough investigation. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that unknown officer(s) have allowed violations of the law in and around her residence and that the unknown officer(s) failed to take enforcement action. The investigation was unable to disclose the identity of the officer. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/17/06 **DATE OF COMPLETION:** 05/11/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer demonstrated inappropriate behavior toward the complainant.

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

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

SFPD
Management Control Division (MCD)
850 Bryant Street, Room 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #2: The officer demonstrated inappropriate behavior toward the complainant.

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

FINDINGS OF FACT: The complainant stated a patrol special officer allowed his dogs to be fed without his permission. The named officer stated he responded to assist the patrol special. A witness at the scene stated the complainant's dogs appeared malnourished and neglected. The witness stated the complainant initially told the officers that it was all right to feed and to provide water to his dogs. The officer's conduct was proper.

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DATE OF COMPLAINT: 10/29/06 **DATE OF COMPLETION:** 05/18/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers should not have arrested him. The complainant stated the officers planted narcotics on him.. The officers stated they detained and searched the complainant pursuant to a parole search condition and found narcotics on him. SFPD records indicated the complainant had a warrantless search condition. There were no witnesses to the incident. The complainant was not available. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/06/06 **DATE OF COMPLETION:** 05/17/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer tightly handcuffed the complainant.

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

FINDINGS OF FACT: The complainant said the officer tightly handcuffed him during the contact. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer failed to arrest the security guards he complained of. The officer stated he conducted an investigation and found insufficient evidence to make the arrest. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/06/06 **DATE OF COMPLETION:** 05/17/07 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer detained him without justification. The officer said he assessed the complainant as a danger to himself and to others. The officer said he detained the complainant based on 5150 criteria and transported him to SFGH PES. The evidence shows that the complainant had a history of mentally aided cases prior to this contact. The evidence proved that the act, which provided the basis of the allegation, occurred. However, such act was justified, lawful, and proper.

OCC ADDED ALLEGATION:

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

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

FINDINGS OF FACT: The officer failed to write an Incident Report. The officer denied the allegation. The officer stated he prepared an Incident Report. The officer failed to provide a copy of his report. He also failed to provide the incident report number during his interview. Department records show no record of a report being written by the officer, documenting complainant's detention. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 11/02/06 **DATE OF COMPLETION:** 05/07/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he told the officer where his wheelchair was located but they did not bring it to the station. The officers denied the allegation. There were no witnesses to the complainant telling the officers where his wheelchair was located. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/07/06 **DATE OF COMPLETION:** 05/25/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The named members stated that they arrested the complainant because she was observed making a narcotics transaction and suspected narcotics was recovered from her at the time of the arrest. The complainant refused to tell the OCC whether she, in fact, had any narcotics on her person at the time of the incident. In the subsequent court proceeding, the complainant pleaded guilty to the charges of narcotics possession stemming from this arrest. A preponderance of the evidence showed that, the officers' decision to place the complainant under arrest was justified and proper.

SUMMARY OF ALLEGATION #5-6: The officer used excessive force against the complainant.

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

FINDINGS OF FACT: All officers involved in the complainant's arrest denied using excessive force against the complainant. According to the officers, she was not injured, neither did she complain of any injury when placed into police custody. At the time of the OCC interview (less than 24 hours after the arrest), the complainant did not show any signs of the alleged excessive force. There were no identifiable witnesses to this incident. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the officer who drove her to the station made an inappropriate comment on the way to the police facility. One of the arresting officers admitted driving the car that took the complainant to the station, but he denied making the alleged inappropriate comment. Two other officers who were riding in the same car with the complainant supported this statement. There were no other witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer used profanity.

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

FINDINGS OF FACT: All officers involved in the complainant's arrest denied using profanity during the incident. There were no other identifiable witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/06 **DATE OF COMPLETION:** 05/07/07 **PAGE# 1 of 3**

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

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

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

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The officer denied all the alleged behaviors and comments. There were no identified witnesses. There is insufficient evidence to reach a definitive finding.

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DATE OF COMPLAINT: 11/09/06 **DATE OF COMPLETION:** 05/07/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3: The officer failed to properly identify himself.

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

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

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

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

FINDINGS OF FACT: The officer provided evidence of probable cause. The complainant gave a significantly different story about the events in this case. There were no witnesses to the arrest. The complainant failed to provide additional requested evidence. There is insufficient evidence to reach a finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied seeing any injury to the complainant. The complainant failed to provide additional requested evidence. There is insufficient evidence to reach a finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/21/06 **DATE OF COMPLETION:** 05/01/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1:The officer was rude to the complainant.

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

FINDINGS OF FACT: The complainant admitted to questioning the officer's orders. A witness said the complainant argued with the officer and initially disobeyed the officer's orders. The officer denied that he was rude to the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/27/06 **DATE OF COMPLETION:** 05/18/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: This complainant failed to provide additionally requested information that was necessary for the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/07/06 **DATE OF COMPLETION:** 05/24/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation, stating she had numerous conversations with the complainant to explain the circumstances regarding his incomplete Personal History Statement and that he was not eligible to continue on in the background process. The officer stated the complainant did not meet California Peace Officers Standard and Training job dimensions, as well as the San Francisco Police Department hiring criteria. The officer explained that the details of the complainant's disqualification are confidential.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/08/06 **DATE OF COMPLETION:** 05/25/07 **PAGE#** 1 of 2

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

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

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

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

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

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

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DATE OF COMPLAINT: 12/08/06 **DATE OF COMPLETION:** 05/25/07 **PAGE#** 2 of 2

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

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

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

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

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

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

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DATE OF COMPLAINT: 12/15/06 **DATE OF COMPLETION:** 05/03/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/20/06 **DATE OF COMPLETION:** 05/29/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officers failed to make a required arrest. The named officers denied the allegation. Department records confirmed that an arrest was not required. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officer improperly transported the complainant to San Francisco General Hospital.

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

FINDINGS OF FACT: The officers present at the incident identified by the complainant denied the allegation and denied any contact with the complainant. There were no corroborating Department records indicating the complainant was transported to San Francisco General Hospital.

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DATE OF COMPLAINT: 12/26/06 **DATE OF COMPLETION:** 05/12/07 **PAGE#**1 of 2

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

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

FINDINGS OF FACT: The complainant said the officer issued him a citation without cause or reason. The officer said the complainant was unlawfully soliciting a passenger and did not have a valid waybill with him. The complainant admitted that he had no waybill. Complainant's passenger said the transportation was not prearranged. No other witnesses came forward. The act, which provided the basis for the allegation occurred; however, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer displayed inappropriate behavior and made inappropriate comments during the contact. The officer denied the allegations and stated that his conduct was professional toward the complainant. The complainant's passenger said the officer was firm and loud but was not rude. No other witnesses came forward. There is insufficient evidence to either prove, or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer selectively enforced the law.

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

FINDINGS OF FACT: The complainant said the officer selectively enforced the law against him because of his race. The complainant has been admonished and cited for violation of airport rules over one hundred times by multiple officers at the Airport. A review of the complainant's history of violations shows that the named member issued one fifth of the citations. There is no evidence submitted by the complainant to support the allegation. The complainant admitted the violation that gave rise to this allegation.

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

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

FINDINGS OF FACT: The complainant said the officer harassed him during the contact. There is no evidence to support the allegation. The complainant admitted the violation that gave rise to this allegation.

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DATE OF COMPLAINT: 12/31/06 **DATE OF COMPLETION:** 05/11/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainants stated the officers threatened them for “mouthing off”. The complainants stated one of the officers slapped his baton in a threatening manner. The officers denied the allegation, stating they admonished a large group of people not to block the sidewalk. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/03/07 **DATE OF COMPLETION:** 05/24/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was wrongfully cited for making an illegal left turn. The complainant stated that another vehicle that was similar in appearance to his made the illegal left turn. The complainant's companion confirmed that the other vehicle made an illegal left turn, but that the complainant did not. The named officer stated that he had just finished citing a motorist and was heading back to his motorcycle when he saw a car driven by the complainant make an illegal left turn a block away. The named officer said he motioned for this car to pull over and cited the complainant. The accounts of this incident provided by the complainant and his companion differed markedly from the account provided by the named officer. However, the complainant and his companion contradicted one another concerning a significant fact. No witnesses could be identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer stopped him for making an illegal left turn. The complainant stated that he and his companion told the officer that another car, similar in appearance to theirs, had made the illegal left turn, but that the officer failed to look in the direction that car was traveling. The complainant stated that the officer did not return his driver's license by handing it to him, but rather threw it into the complainant's car, where it bounced off the passenger side window and landed between the seats. The complainant also stated that the officer tossed the citation into his car and made an inappropriate comment. The complainant's companion stated that when the named officer told the complainant that he had made an illegal left turn, the complainant said he hadn't, and told the officer that the car that made the illegal turn was up ahead. The complainant's companion stated that he then exited the car to walk the remaining block to a medical appointment, but stopped to watch the interaction between the complainant and the officer. The complainant's companion stated that the officer threw the complainant's driver's license into the car and laughed, and that the officer made an inappropriate comment to the complainant. The named officer denied making any inappropriate comments to the

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complainant, and said the complainant asked that he give him a break because he was taking his companion to the hospital and because of his medical status. The officer said the complainant used profane and abusive language towards him, including homophobic insults. The officer denied throwing the complainant's driver's license or the citation into the car. The officer said that as he detached the complainant's copy of the citation from his ticket book, the complainant lunged at him. The officer said this action startled him, and in response, he dropped the complainant's driver's license and the citation inside the complainant's car as he pulled back, because he did not want the complainant to grab him. No witnesses could be identified. The complainant and his companion contradicted one another concerning one significant fact: the complainant said that after he received the citation, his companion got back into his car and the complainant drove him to his medical appointment. The complainant's companion said the complainant was too upset to drive, and that he walked to his medical appointment. The complainant's companion said that when he returned, the complainant was still at the location of the traffic stop. Evaluating the totality of the evidence, there is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT:01/19/07 **DATE OF COMPLETION:** 05/18/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said the officers detained her without justification. The officers stated that they detained the complainant pursuant to an outstanding warrant obtained from the Central Warrant Bureau. The officers later learned that the warrant had been recalled. The Department does not have a written protocol that requires officers to confirm the validity of a warrant before arrest. The OCC will recommend a protocol that requires confirmation of a warrant before making an arrest on the warrant.

SUMMARY OF ALLEGATION #3: The officer entered the complainant's residence without her consent.

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

FINDINGS OF FACT: The complainant said the officer entered her residence without her consent and approval. The officer stated that she reached into the door of complainant's apartment and closed it pursuant to the complainant's request. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT:01/19/07 **DATE OF COMPLETION:** 05/18/07 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant said the officer handcuffed her without justification. The officer stated that he handcuffed the complainant pursuant to an outstanding felony warrant. OCC's investigation established that the warrant had been rescinded. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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DATE OF COMPLAINT: 01/19/07 **DATE OF COMPLETION:** 05/18/07 **PAGE#** 3 of 3

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/17/07 **DATE OF COMPLETION:** 05/22/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant initially stated a male officer twisted his wrists and made his handcuffs too tight. The male arresting officer was questioned and he stated the allegation was untrue. The complainant subsequently contradicted these statements by saying that he called an Asian female officer a homophobic slur and in response, that officer tightened his handcuffs. However, the female arresting officer was a white female with long blonde hair. The identity of the officer has not been determined.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant, a public defender, alleged that the officer spoke to his client in court outside the presence of counsel. The complainant stated that, after his client spoke with the officer, his client changed his mind and accepted a plea deal. The complainant also alleged that when he confronted the officer, the officer made a sarcastic comment. The prosecutor stated that he saw the officer in the courtroom speaking with the defendant. The prosecutor stated he spoke to the officer about this and the officer said the defendant initiated the conversation. The prosecutor stated the officer did not provide him with any additional information. The officer stated the defendant approached him, initiated a friendly conversation, and asked the officer if he could get a medical marijuana card if he had a criminal record. The officer stated he told the defendant that the prosecutor was offering the defendant a misdemeanor without probation, and that he did not know if having a criminal record had anything to do with getting a medical marijuana card. The officer stated he told the defendant to talk to his lawyer. The officer further stated that it was his experience as a police officer that, "You're allowed to talk to anyone you want." By making this comment, it appeared that the officer did not have a clear understanding of the Sixth Amendment right to counsel and his obligations as a police officer – even if a defendant initiates contact with him – once this right is attached. The officer did not indicate any awareness that it would be improper to talk to the defendant about his court case without the defendant's attorney present. The officer's statements indicated a need to be properly trained on the Sixth Amendment. The officer denied making a sarcastic remark to the complainant. The defendant has left the State and was not available for an interview. Without the defendant's version of events, the subject of his conversation with the officer cannot be confirmed. There were no other witnesses.

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DATE OF COMPLAINT: 02/02/06 **DATE OF COMPLETION:** 05/10/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1, 2: The officers failed to bring charges against a suspect in a robbery.

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

FINDINGS OF FACT: The complainant stated that charges of robbery should have been brought in court. The named officers denied the allegation, saying that they gathered evidence and presented the case to the district attorney's office for the decision on charging. Department records corroborated the statements of the named officers. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that an officer at the scene of the arrest of a burglary suspect made inappropriate comments. Four officers at the scene or otherwise involved in the incident denied the allegation and denied hearing the alleged comments. One witness stated he did not hear the comments. There were no other witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he called the sole witness listed on the incident report and was unable to speak to him or leave a message, and that he did not recall the complainant telling him of other witnesses. There were no witnesses to the conversation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he called the Narcotics Division and was told that he could not return the complainant's medical marijuana, but that the complainant could petition the court or the Department's Legal Division for his property. The Narcotics officer who spoke to the named member said that he recalled a conversation in which he told the named officer that any release of medical marijuana would have to be done through the Legal Division. There were no witnesses to the conversation. There is insufficient evidence to either prove or disprove the allegation.