

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/05 **DATE OF COMPLETION:** 06/30/05 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate and incomplete report.

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

FINDINGS OF FACT: The complainant alleged that the officer inaccurately recorded her statement, which was received by another officer on scene. The complainant also stated that since she left the scene before the officer arrived and said officer did not contact her, the report was incomplete. The other officer stated that the complainant's statement was accurate and was provided to the named officer to include in the report. The officer stated that he responded to San Francisco General Hospital but could not locate the complainant. There is inconclusive evidence to establish whether the officer responded to the hospital and therefore whether the complainant was still at the hospital at the time the officer alleged to have responded there. 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 engaged in selective enforcement of the law.

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

FINDINGS OF FACT: The complainant stated that the officer cited him because of his cultural heritage. The named member denied that the complainant's demeanor or his cultural played any role in the officer's decision to issue a citation. The named member's partner, in essence, supported this statement. There were no identifiable witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member stated that he issued a citation because the complainant double parked his taxicab in a traffic lane and refused to move it when the officer told him to do so. The named member's partner, in essence, corroborated this statement. In his Office of Citizen Complaints interview, the complainant acknowledged that he stopped his cab in the traffic lane while waiting for a customer and he did not move the car when the officer told him to do so. Given the complainant's admission, the officer's decision to cite the complainant for impeding the traffic was proper and justified under the circumstances.

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

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

FINDINGS OF FACT: The named member denied threatening to handcuff the complainant during this police contact. The officer's partner stated that he did not hear any such threat either. There were no identifiable witnesses to this incident. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer exhibited rude manner and behavior.

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

FINDINGS OF FACT: The complainant stated that the officer was angry and he yelled at the complainant to move his taxicab. The named member stated that he indeed raised his voice while ordering the complainant to move his vehicle because the complainant was agitated and he continued to argue about moving the car. The named member's partner stated that the officer might have had to raise his voice due to excessive street noise and the complainant's attempt to speak over the officer. There were no other identifiable witnesses to this occurrence. The available evidence was insufficient to determine whether the officer's raised voice was justified under the circumstances or whether such behavior constituted a violation of the Department guidelines on public courtesy.

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

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

FINDINGS OF FACT: The complainant stated that when he asked the officer's name and star number the officer did not give them to him. The named member stated that the complainant indeed asked his name and star and the officer provided them to the complainant. The officer additionally stated that he "made sure" that the complainant got the right spelling of the officer's name from the uniform nametag. The named member's partner, in essence, corroborated this statement. There were no other identifiable witnesses to this occurrence. The available evidence was insufficient 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 made threatening remarks to the complainant's son.

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

FINDINGS OF FACT: There was insufficient evidence to establish the identity of any officer who might have made the alleged remarks or to corroborate that such remarks were made.

SUMMARY OF ALLEGATION #2: The officers' behavior with the complainant's son was inappropriate.

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

FINDINGS OF FACT: There was insufficient evidence to establish the identity of any officer behaving inappropriately or to corroborate that such behavior occurred.

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SUMMARY OF ALLEGATION #3-6: The officers arrested the complainant's son without cause.

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

FINDINGS OF FACT: A preponderance of the evidence established that the officers had probable cause to arrest the complainant's son. An independent witness identified the complainant's son as the person who participated in an illegal drug transaction observed by officers.

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

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

FINDINGS OF FACT: SFPD records confirmed that the officer seized currency in the possession of the complainant's son at the time of his arrest. The law permits such seizure, given the nature of the crime with which he was charged. A preponderance of the evidence established that the officer's action was, under the circumstances, proper.

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SUMMARY OF ALLEGATION #1: The officer displayed his service weapon without justification.

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

FINDINGS OF FACT: The complainant stated that he used his cane to bang on a neighbor's door and did not threaten the officers with this case. The officer and his partner stated that the complainant threatened them with his cane and that the named officer drew his weapon, kept it down at this side and never pointed it at the complainant while ordering the complainant to put down the cane. No witnesses came forward during the investigation. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The investigation concluded that the officer did properly process and record the complainant's property as per Departmental guidelines. The cane was booked as evidence and a property receipt was available to the complainant who at various times either refused the slip or left the building voluntarily without taking the property slip.

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DATE OF COMPLAINT: 03/21/05 **DATE OF COMPLETION:** 06/09/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Allegations/Findings previously investigated by OCC staff personnel.

CATEGORY OF CONDUCT: N/A **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT: Allegations/Findings previously investigated by OCC staff personnel.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer had cause for the handcuffing coupled with the fact it was during an investigation into a crime. The handcuffing was both procedural and lawful.

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

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

FINDINGS OF FACT: The investigation concluded there was sufficient cause to arrest the complainant. 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 #4: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The investigation concluded there was sufficient cause to arrest the complainant. The handcuffing was procedural. The evidence proved that the acts, which provided the basis for the allegation, occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation. The investigation was unable to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #6: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The officer denied the allegation. The investigation was unable to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #7: The officer improperly recorded where the evidence was seized.

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

FINDINGS OF FACT: The officer denied the allegation. The investigation was unable to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #8: The officer wrote an inaccurate Incident Report.

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

FINDINGS OF FACT: The officer denied the allegation. The investigation was unable to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #9-10: The officers failed to properly investigate the matter.

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

FINDINGS OF FACT: The officers denied the allegation. The investigation was unable to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant's and the officer's statements show there was probable cause to issue the citation. The complainant stated he did what he was cited for.

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

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

FINDINGS OF FACT: The officer denies this conduct, but there are no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used profanity during this event.

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

FINDINGS OF FACT: The officer denies this conduct, but there are no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the San Francisco Police Department Management Control Division.

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer selectively enforced the law when citing the complainant.

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

FINDINGS OF FACT: The complainant provided no evidence or grounds for the allegation. The citing officer noted that the complainant was not in his cab when the officers discovered the cab unattended, and that the complainant did not return to the scene until the citation was being written. The complainant's written and oral statements to OCC support that he was not present when the officers found his unattended cab. Both the officer's and the complainant's statements corroborate that the officer did not know the race or ethnicity of the complainant at the time the citation was being written. This allegation is not supported and the acts that provided the basis for the allegation were without merit.

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

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

FINDINGS OF FACT: The complainant stated in both his written statement and during his OCC interview, that he had left his cab unattended and was talking with a friend when he saw the officers at his cab. In doing so, the complainant was in violation of SFIA Rules and Regulations 147(D) (6) (C), Unattended Cab. The officer's actions were justified, lawful and proper.

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SUMMARY OF ALLEGATION #1: Officers refused to enforce a law that the complainant asked them to enforce.

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

FINDINGS OF FACT: The officers cannot be identified, and investigation cannot proceed. There are no known witnesses.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to provide his name and star number when requested by the complainant.

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

FINDINGS OF FACT: The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers' comments and behavior were inappropriate.

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

FINDINGS OF FACT: The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 05/27/04 **DATE OF COMPLETION:** 06/30/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that his sons were detained without justification. The complainant would not allow her minor sons be interviewed by OCC. The officer denied the allegation and stated that another inspector was present. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to promptly and politely provide his name upon request.

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

FINDINGS OF FACT: The complainant stated that she heard the officer unwillingly provide his star number and refuse to provide his name upon request through her son. The complainant would not allow her minor sons be interviewed by OCC. The officer denied the allegation and stated that another inspector was present. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer behaved in a rude and threatening manner.

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

FINDINGS OF FACT: The complainant stated that the officer was rude to her over the telephone. The complainant would not allow her minor sons be interviewed as witnesses by OCC. The officer denied the allegation and stated that another inspector was present. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The investigation was unable 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: The officer is harassing the complainant without justification.

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was in violation of California Penal Code 11532. The complainant stated that the officer stops him every time that he sees him. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made threatening remarks to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was warned if he continued to loiter in the area, in violation of California Penal Code 11532, he would be subject to arrest. The complainant stated that the officer threatened to arrest him on every occasion that he encounter him. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied that he detained the complainant. One of the witnesses with the complainant stated the complainant was not detained. The witness stated the officer approached them and spoke to the complainant and moved the complainant along with a warning. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officer(s) used excessive force during the arrest.

CATEGORY OF CONDUCT: UF **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:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from OCC investigation.

SUMMARY OF ALLEGATION #3-4: The officers provided complainant's personal information to a person threatening her.

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from OCC investigation.

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SUMMARY OF ALLEGATION #5-6: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from OCC investigation.

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 assaulted, and that the officers failed to investigate the assault. The officers denied the allegation, and said that the complainant and his friends refused to cooperate. Witnesses' statements were inconclusive. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer failed to write and complete an accurate incident report.

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

FINDINGS OF FACT: The officer denied the allegation stating that the complainant and his friends refused to cooperate. The officer in his report, stated that he could not include any other witnesses. Witnesses' statements were inconclusive. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer threatened the victims in an assault case.

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

FINDINGS OF FACT: The complainant alleged that an African American female officer made the alleged threat. The African American female officers denied involvement. 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:**

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the Municipal Railways.

Mr. Michael Burns
Executive Director
Municipal Transport Agency
401 Van Ness #334
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from OCC investigation.

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from OCC investigation.

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from OCC investigation.

SUMMARY OF ALLEGATION #4-5: The officers failed to prepare a complete and accurate report.

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from OCC investigation.

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SUMMARY OF ALLEGATION #6: The officer discouraged the complainant from filing a complaint.

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from OCC investigation.

SUMMARY OF ALLEGATION #:

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

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SUMMARY OF ALLEGATION #1: The complainant withdrew his complaint.

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

FINDINGS OF FACT: The complainant requested that the complaint be withdrawn.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:**

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the San Francisco Police Department Management Control Division.

Lt. Douglas Carr
San Francisco Police Department Management Control Division
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the San Francisco Sheriff's Department Internal Affairs Unit.

Lt. Al Kennedy
San Francisco Sheriff's Department Internal Affairs
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/05 **DATE OF COMPLETION:** 06/30/05 **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: Gerald R. Norman
Department of Parking and Traffic
25 Van Ness Avenue, Room 410
San Francisco, CA 94102
(415)554-9811

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/05 **DATE OF COMPLETION:** 06/13/05 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATION #1: The complainant questions steps taken in the investigation, in that officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that proper procedures were not followed in the investigation. Records obtained and reviewed determined that the officers responded in a timely manner to an alleged assault. The assault was properly documented and referred to the appropriate investigative detail. The investigative unit additionally conducted an investigation. The OCC found that there was no procedural failure.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/05 **DATE OF COMPLETION:** 06/30/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant requested a withdrawal of her complaint from the Office of Citizen Complaints investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/05 **DATE OF COMPLETION:**06/30/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the San Francisco Sheriff Department Internal Affairs Unit.

Lt. Al Kennedy
San Francisco Department Internal Affairs
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/04 **DATE OF COMPLETION:** 06/06/05 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to prove or disprove the propriety of the detention.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that the complainant presented a safety issue. Because there was insufficient evidence to prove whether the detention was proper, there is also insufficient evidence to prove or disprove whether the handcuffing was justified.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/04 **DATE OF COMPLETION:** 06/06/05 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer used unnecessary force during the detention of the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The complainant stated that the officer twisted his left hand in a painful manner during the handcuffing process, causing him to complain of pain, specifically re-injuring a recent injury that was known to the officer. A witness stood a few feet from the incident and corroborated the excessive use of force. The allegation is sustained.

SUMMARY OF ALLEGATION #4: The officer made inappropriate, profane, intimidating and belittling remarks.

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

FINDINGS OF FACT: The complainant alleged that while at Ingleside Station, the officer made inappropriate, profane, intimidating and belittling remarks. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/04 **DATE OF COMPLETION:** 06/06/05 **PAGE#** 3 of 4

SUMMARY OF OCC ADDED ALLEGATION #5: The officer failed to report/record his use of force.

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

FINDINGS OF FACT: The officer denied the allegation, stating that he only utilized control holds on the complainant. He denied that the complainant made any complaint of pain and therefore denied the reporting requirement. The complainant and a witness asserted that the complainant complained of pain. Based on a preponderance of the evidence, the officer was required to report and record his use of force in the appropriate log for his unit. The Office of Citizen Complaints found that no use of force log was kept for the officer's unit for the period of time in question. The allegation is sustained.

SUMMARY OF OCC ADDED ALLEGATION #6: The officer failed to take required action, failing to submit his Incident Report by the end of watch.

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

FINDINGS OF FACT: The officer denied the allegation stating that he prepared his original report at a local station terminal and then placed it in the lieutenant's box. The only available copy of the Incident Report for relevant case contains an officer declaration dated six weeks after the incident. The report states that it is a "duplicate" of the original report. The Office of Citizen Complaints conducted interviews of three San Francisco Police Department witnesses familiar with the San Francisco Police Department Record Management System (RMS) as well as the San Francisco Police Department server, which houses reports transmitted from station data terminals. In conducting its investigation, the Office of Citizen Complaints queried the officer's commanding officer as well as the local station captain for a copy of the original, but neither party had the purported original report. The Office of Citizen Complaints learned from the officer charged with managing the San Francisco Police Department server that the only report housed with the server was the report written six weeks after the event. The named officer stated that when Record Management System personnel could not find his report on file, he went to the local station to find out what happened to his original report. He asserted that the report might have been inadvertently deleted from the SFP-RMS system, so he wrote a "duplicate." The commander of the Record Management System informed the Office of Citizen Complaints that the officer's "duplicate" report was a likely a re-creation. Office of Citizen Complaints concluded that the officer likely did not err twice in one incident by both failing to properly transmit his report from the local station to the San Francisco Police Department server, and in failing to place his report in the lieutenant's outbox. A preponderance of the evidence establishes that the named officer failed to submit the report on the date of the incident. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/04 **DATE OF COMPLETION:** 06/06/05 **PAGE#** 4 of 4

SUMMARY OF OCC ADDED ALLEGATION #3: The officer wrote an incomplete/inaccurate Incident Report.

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

FINDINGS OF FACT: The Office of Citizen Complaints investigation revealed that the named officer did not include information regarding the citation that he allegedly issued in his incident report. The officer stated that he issued a citation to the complainant but did not include a photocopy of the citation or the citation number in his report, stating that information was not available to him. Since this was the basis for the complainant's detention, it was an integral part of the report and rendered it incomplete. The allegation is sustained.

SUMMARY OF OCC ADDED ALLEGATION #4: The officer failed to follow Department General Order (DGO) 3.08.

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

FINDINGS OF FACT: The named officer admitted that he failed to complete a unit subpoena log, although he stated in his Office of Citizen Complaints interview that the initial purpose of his visit to the complainant's home was to serve him with a subpoena. The named officer was unfamiliar with the above captioned DGO as it pertains to service of subpoenas to civilians and the San Francisco Police Department requirements for logging the service of a subpoena to a civilian. The Office of Citizen Complaints sought a copy of the unit subpoena log through the San Francisco Police Department Legal Division, but was informed that there were no subpoenas served on the date in question. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/05 **DATE OF COMPLETION:** 06/30/05 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the SFSD Internal Affairs unit.

SFSD-Internal Affairs
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/05 **DATE OF COMPLETION:** 06/30/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the San Francisco Sheriff Department Internal Affairs Unit.

Lt. Al Kennedy
SFSD- Internal Affairs
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/04 **DATE OF COMPLETION:** 06/20/05 **PAGE#** 1 of 6

SUMMARY OF ALLEGATION #1: The officer detained the complainant without justification on September 2003.

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

FINDINGS OF FACT: The complainant stated that the officer detained him without justification. The complainant could not recall the specific date of the incident. The officer denied having any contact with the complainant during this time period. A witness who the complainant stated that he telephoned during this encounter stated that he vaguely recalled such a phone call, but could offer no specifics concerning it. Another witness stated that the named member did not engage in the activity that was alleged. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force against the complainant on September 2003.

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

FINDINGS OF FACT: The complainant stated that the officer tackled him. The complainant could not recall the specific date of the incident. The officer denied having any contact with the complainant during this time period. A witness who the complainant stated that he telephoned during this encounter stated that he vaguely recalled such a phone call, but could offer no specifics concerning it. Another witness at the scene stated that the named member did not engage in the activity that was alleged. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/04 **DATE OF COMPLETION:** 06/20/05 **PAGE# 2 of 6**

SUMMARY OF ALLEGATION #3: The officer used profanity on September 2003.

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

FINDINGS OF FACT: The complainant stated that during a detention, the officer used profanity. The complainant could not recall the specific date of the incident. The officer denied having any contact with the complainant during this time period. A witness who the complainant stated that he telephoned during this encounter stated that he vaguely recalled such a phone call, but could offer no specifics concerning it. Another witness at the scene stated that the named member did not engage in the activity that was alleged. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer threatened the complainant on September 2003.

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

FINDINGS OF FACT: The officer denied having any contact with the complainant during this time period. The complainant could not recall the specific date of the incident. A witness stated that he vaguely recalled the incident, but could offer no specifics concerning the incident. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/04 **DATE OF COMPLETION:** 06/20/05 **PAGE#** 3 of 6

SUMMARY OF ALLEGATION #5: The officer detained the complainant without justification on April 12, 2004.

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

FINDINGS OF FACT: The complainant stated that the officer detained him without justification. The complainant could not recall the specific date of the incident. The officer denied having any contact with the complainant during this time period. A witness who the complainant stated that he telephoned during this encounter stated that he vaguely recalled such a phone call, but could offer no specifics concerning it. Another witness stated that the named member did not engage in the activity that was alleged. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer handcuffed the complainant without justification on April 12, 2004.

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed him. The named officer denied detaining or handcuffing the complainant. The officer's partner denied that the named officer handcuffed the complainant. A civilian witness stated that the officer handcuffed the complainant. There is insufficient evidence to prove or disprove the allegation

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**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #7: The officer used unnecessary force against the complainant on April 12, 2004.

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

FINDINGS OF FACT: The complainant stated the officer slammed him against the hood of a car. The officer denied using force. The officer's partner denied that the officer used force. A witness stated that she saw the alleged force. The complainant stated that he claimed no injury, sought no medical attention. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer searched the complainant without cause on April 12, 2004.

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

FINDINGS OF FACT: The complainant stated that the officer searched him. The officer stated that he questioned the complainant about a warrant and that the complainant consented to a pat-search. A witness officer stated that the complainant was pat-searched. A witness stated that she saw the officer pat-search the complainant. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/04 **DATE OF COMPLETION:** 06/20/05 **PAGE# 5 of 6**

SUMMARY OF ALLEGATION #9: The officer used profanity on April 12, 2004.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity. The officer denied the allegation. A witness officer denied that the officer used profanity. A witness stated that she heard the officer use profanity. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer threatened the complainant, April or May 2004

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

FINDINGS OF FACT:. The complainant stated that, in a separate incident, the officer threatened the complainant. The officer denied the allegation. A witness officer denied that the officer threatened the complainant. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/04 **DATE OF COMPLETION:** 06/20/05 **PAGE#** 6 of 6

OCC-ADDED ALLEGATION

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: It remains in dispute whether or not the officer physically restrained the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/09/04 **DATE OF COMPLETION:** 06/28/05 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1-5: The officers conducted a felony stop without justification.

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

FINDINGS OF FACT: The officers pulled the complainants over and brought them as well as their children out of their vehicle. A shooting had taken place 8 blocks away 10 minutes prior and a car model matching the description of the complainant's was seen fleeing the shooting scene by a witness to the shooting, then parked in close proximity to where the shooting took place and then leaving the area. The complainants' vehicle was in close proximity to the shooting to the point where they overheard the shots fired. Several officers observed the vehicle in the area. Given the proximity to the shooting and witness account, the officers' actions were justified.

SUMMARY OF ALLEGATIONS #6-10: The officers detained the complainants at gunpoint without justification.

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

FINDINGS OF FACT: The complainants were detained at gunpoint following a felony stop of their vehicle. They were in a car whose make and model closely matched a car identified by an eyewitness to a shooting that had taken place 8 blocks away 10 minutes prior that night. This comparably described vehicle was seen fleeing the shooting scene and then parked in close proximity to the shooting and observed by police. The vehicle had tinted windows. The officers stated that in addition to the night time hours, they had no clear view inside the car until the driver opened her door and came out. At that point, they were able to determine who else was inside the car, and empty the car of its occupants. Once they determined there was no threat, they lowered and subsequently re-holstered their weapons. Given the proximity to the shooting and witness accounts the officers' actions were justified.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/09/04 **DATE OF COMPLETION:** 06/28/05 **PAGE #2 of 5**

SUMMARY OF ALLEGATIONS #11-12: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The officer denied the allegation and stated that he was justified in searching the vehicle for weapons, based on the fact that it fit the description of the suspect vehicle, it was seen in an area leaving the scene of a shooting. He also stated that caselaw supported the Police Department's right to conduct a "protective sweep." However once the officers determined that the occupants of the vehicle were not the suspects in the shooting, and there were no additional occupants in the vehicle, by law, no subsequent search of the vehicle is permitted without a valid arrest. The allegation is sustained.

SUMMARY OF ALLEGATION #13: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer was "nasty" to her, asking her questions in an accusatory tone of voice. The co-complainant stated that the officer was "sharp" with the complainant as well when he questioned the complainant. The OCC questioned the officer with regard to the allegation. The officer stated that his questions, while unpleasant, were necessary for investigative purposes, given the circumstances and that he explained the purpose of the investigation. The officer denied the allegation, stating that he apologized to the complainants. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/09/04 **DATE OF COMPLETION:** 06/28/05 **PAGE #3 of 5**

SUMMARY OF ALLEGATIONS #14-15: The officers engaged in the inappropriate questioning of minors.

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

FINDINGS OF FACT: The evidence proved that the action complained of is supported by Department policy. However, the OCC recommends a change in Department policy.

SUMMARY OF ALLEGATIONS #16-17: The officer damaged the property of the complainant during a vehicle search.

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

FINDINGS OF FACT: The complainant submitted a photo of the console portion of her vehicle, depicting the damage allegedly committed by the named officer. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation alleged by the complainant, as there is no way to determine the state of the complainant's vehicle prior to this incident.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/09/04 **DATE OF COMPLETION:** 06/28/05 **PAGE #4 of 5**

SUMMARY OF ALLEGATIONS #18-22: The officers detained the complainants for a prolonged period of time without justification.

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

FINDINGS OF FACT: The OCC determined that the complainants were detained for approximately 16 minutes from the time they and their children were removed from the vehicle to the time they were issued a written Certificate of Release by the officers. During that period, nearby officers in the surrounding area were investigating two other suspect vehicles, including another vehicle of the same model as the complainant's. These officers relayed the results of their investigation via radio to the officers who detained the complainants, as well as other officers in the field. There was insufficient evidence to determine whether or not the detaining officers pursued a means of investigation designed to quickly dispel their suspicions. The allegation is not sustained.

SUMMARY OF ALLEGATION #23: The officer searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer who signed her certificate of release also searched her purse. The officer, during his search of the car for weapons, stated that he would search in all locations where a weapon might be located. He stated that if the complainant had left her car in the vehicle, per caselaw, purses were subject to search as being part of the vehicle and hence subject to "protective sweep." The complainant was not subject to arrest. Therefore, no just cause for the search was present. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/09/04 **DATE OF COMPLETION:** 06/28/05 **PAGE #5 of 5**

SUMMARY OF ALLEGATION #24: The officer engaged in negligent supervision.

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

FINDINGS OF FACT: It was unclear that the officer in charge directed the officer who searched the vehicle to look for weapons as well as hidden suspects. 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: 08/12/04 **DATE OF COMPLETION:** 06/07/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant denied committing the acts for which he was arrested. Two of the named officers stated that they observed the complainant commit unlawful acts. The third named officer denied seeing any of the acts for which the complainant was charged. A witness officer stated that he observed the complainant commit unlawful acts. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4 and 5: The officers planted drugs for which the complainant was charged.

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

FINDINGS OF FACT: The complainant stated that the drugs allegedly found in the vicinity of his arrest did not belong to him. One of the officers stated that he observed the complainant place the drugs into the found location. The second officer denied seeing the drugs placed into the found location and said that the witness officer reported finding the drugs for which the complainant was charged. No other officer witnessed the placement of the drugs by the complainant. There were no other identified witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/12/04 **DATE OF COMPLETION:** 06/07/05 **PAGE#** 2 of 2

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

CATEGORY OF CONDUCT: C RD **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the incident report contained misrepresentations. The officer stood by the accuracy of his report. A witness statement and subsequently obtained documents corroborates an inaccuracy in the report. The inaccurate information contained in the report represents a factual misrepresentation.

SUMMARY OF ALLEGATION #7: The officer retaliated against the complainant.

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

FINDINGS OF FACT: The complainant believed that his arrest was an act of retaliation. The officer denied the allegation. Witness officer's denied any knowledge that the named member acted in a retaliatory manner. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/04 **DATE OF COMPLETION:** 06/29/05 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments including threatening and challenging remarks.

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

FINDINGS OF FACT: The officers at the scene denied hearing or making the inappropriate, threatening or challenging comments. The investigation was unable to identify the offending officer or determine whether or not the offending officer was a member of the San Francisco Police Department. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The officers at the scene denied hearing or using profanity. The investigation was unable to identify the offending officer or determine whether or not the offending officer was a member of the San Francisco Police Department. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/16/04 **DATE OF COMPLETION:** 06/29/05 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #3: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The officers at the scene denied hearing any complaint of pain or observing any injuries to the complainants. The investigation was unable to identify the offending officer or determine whether or not the offending officer was a member of the San Francisco Police Department. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied that the detainee was handcuffed while in his charge. The complainant said he was detained, handcuffed and escorted to an exit gate and that it was not until he arrived at the exit gate that the officer removed the handcuffs. There were no identifiable witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/16/04 **DATE OF COMPLETION:** 06/29/05 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #5 and 6: The officers failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The officers stated that because they were not the officers in charge of the incident and because they did not handcuff and/or un-handcuff the detainees, they were under no obligation to issue a Certificate of Release. Department General Orders required that if an officer takes a detained person to a police facility or physically restrains a person, a Certificate of Release should be issued. The officer escorted a detained and handcuffed person, from the location of the detention, to the substation. At the substation the officers prepared a San Francisco Police Department form 114A (Blue Card) for each of the detainees. The detainees were then released and instructed to leave the stadium. The evidence sufficiently establishes that the officers had a duty to issue the complainants a Certificate of Release and failed to do so.

SUMMARY OF ALLEGATION #7: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The officers at the scene denied being involved in the initial detention. The investigation was unable to identify the detaining officer or determine whether or not the detaining officer was a member of the San Francisco Police Department. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #8: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officers at the scene denied handcuffing the complainants. The investigation was unable to identify any officer who handcuffed the complainants or to determine whether or not the individuals who handcuffed the complainants were members of the San Francisco Police Department. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS 9 and 10: The officer used unnecessary force against the complainants.

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

FINDINGS OF FACT: The officers at the scene denied using or witnessing any use of force against the complainants. The investigation was unable to identify an officer who used force or to determine whether or not the individuals who allegedly used force against the complainants were members of the San Francisco Police Department. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer placed the handcuffs unnecessarily tight on the complainant's wrists.

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

FINDINGS OF FACT: The officers at the scene denied handcuffing the complainants. The investigation was unable to identify an officer who handcuffed the complainants or determine whether the individuals who handcuffed the complainants were members of the San Francisco Police Department. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #12: The officer failed to report the use of force.

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

FINDINGS OF FACT: The officers at the scene denied using or witnessing any force used against the complainants or hearing a complainant complaint of pain or injury, therefore reported none. The investigation was unable to identify any offending officer or if the individuals who allegedly used force against the complainants were members of the San Francisco Police Department. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant failed to provide requested evidence to further the investigation.

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

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

FINDINGS OF FACT: The complainant failed to provide requested evidence to further the investigation.

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

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

FINDINGS OF FACT: The complainant had alleged that the officer made a racially derogatory statement while he was being booked at the station. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to take required action, to witness, read the complainant his *Miranda* rights.

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

FINDINGS OF FACT: This portion of the incident allegedly occurred at the police station, where there were no witnesses. The officer denied the allegation, stating that he read the complainant his *Miranda* rights, but the complainant did not wish to speak at all. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate and incomplete Incident Report.

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

FINDINGS OF FACT: The complainant alleged that the officer's reference to alleged threats made by the complainant toward the officer were untrue. The officer denied that his report was inaccurate. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer divulged confidential information.

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

FINDINGS OF FACT: The complainant alleged the officer had discussed his criminal case with persons outside the sphere of law enforcement. The officer denied the allegation. The Office of Citizen Complaints examined statements provided to the Public Defender by witnesses at the time a criminal case was pending against the complainant. The witnesses contacted did not provide any evidence that supported this allegation. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer attempted to wait and provoke him. The officer denied the allegation, stating that the complainant had indeed threatened him with frightening comments of his own. The witnesses were not in the company of the complainant at the proper moment to provide accurate statements regarding this allegation. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation and articulated what he believed to be probable cause for threats against his person at the time of the incident. The complainant denied threatening the officer and countered that the officer's queries were inappropriate conduct, bordering on harassment. The Office of Citizen Complaints interviewed some of the witnesses named by the complainant and interviewed the co-complainant as well. The co-complainant telephoned the complainant on his cellular telephone during the police contact, but did not actually arrive on scene until a few minutes had elapsed. The Office of Citizen Complaints was unable to locate other identified witnesses. Another witness did not observe the relevant portion of the interaction. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that there was no probable cause for the search of his outer clothing for weapons. The officer denied the allegation, stating that the complainant had articulated threats against his person and they constituted probable cause to pat search the complainant. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. Both the complainant and the co-complainant stated that when the officer was asked for his star number, he stated that it would be in his report. The Department General Orders state that when asked, an officer must “promptly and politely” provide their name and star number. A preponderance of the evidence shows that the officer failed to provide his name and star number when asked. The allegation is sustained.

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

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

FINDINGS OF FACT: The complainant stated that he was walking on a busy street, accompanied by some friends when they were detained. The officers recalled the detention, stating that the complainant and his companions were walking back and forth with a loud radio. They claimed the complainant was in an area known for narcotics traffic and was loitering in front of a location that requested enforcement of the no trespassing statute. The witness admitted that the volume on the radio was turned up, but otherwise stated that she had done nothing wrong. She said she was there to meet one of the other men in the group. The witness did not see all of the events leading up to the detention. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

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

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

FINDINGS OF FACT: The complainant stated that he was walking on a busy street, accompanied by some friends when they were detained. The named officers claimed not to recall the detention and denied they responded to the scene. One of the witnesses stated that there were two plainclothes officers who participated in the detention. The Office of Citizen Complaints reviewed the Department of Emergency Communications Audio recordings associated with the incident and found that the unit number associated with the named plain clothes officers was in fact on scene. There was only one plainclothes unit on scene. The witness did not see all of the events leading up to the detention. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

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SUMMARY OF ALLEGATIONS #5-6: The officers handcuffed the complainant and his friends without justification.

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

FINDINGS OF FACT: The named officer stated that he handcuffed the complainant because he resisted and delayed the investigation at the scene. He denied handcuffing anyone else, as did all the other officers. All of the other officers were questioned and denied handcuffing anyone. The witness confirmed that she and all of her companions were handcuffed and subsequently released, as alleged by the complainant. However, she was unable to provide information with enough specificity to identify which of the officers handcuffed the remaining parties. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

SUMMARY OF ALLEGATIONS #7-8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested on a variety of charges including an outstanding warrant. The witness stated that she observed the complainant spit out narcotics while detained by the officers. The officers denied the allegation. There was sufficient evidence to prove that the arrest was justified, lawful and proper.

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SUMMARY OF ALLEGATION #9: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged that the officer used profanity as he was being taken into custody. The witness could not substantiate the allegation. The officer denied using profanity. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

SUMMARY OF ALLEGATION #10: The officer used excessive force during the detention.

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

FINDINGS OF FACT: The complainant alleged that the officer pushed and kicked him. The Office of Citizen Complaints contacted a witness to assist in corroboration of this allegation, to no avail. Another witness did not see the alleged use of force, stating that she was kept separated from the complainant. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

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SUMMARY OF ALLEGATIONS #11-12: The officers failed to follow juvenile detention policies.

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

FINDINGS OF FACT: The complainant alleged that he was handcuffed to a fixed object for over thirty minutes, a violation of SFPD Department General Orders and juvenile detention policies. The officers denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

SUMMARY OF ALLEGATION #13: The officer used uncivil language towards the complainant at the station.

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

FINDINGS OF FACT: The complainant alleged that the officer subjected him to uncivil language during the identification process at the station. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

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

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

FINDINGS OF FACT: The complainant stated that the officer ordered him and his girlfriend out of their room when they opened the door to the officer's knocking. The named member stated that he did not order the complainant out of the room, but engaged the complainant in a conversation in which the complainant tried to sell him narcotics. Two other officers who were at the scene stated that they heard the words being spoken between the complainant and the named member but they could not recall the content of that conversation. The complainant's girlfriend declined the OCC's request for an interview. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-4: The officers searched the residence without cause.

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

FINDINGS OF FACT: The complainant stated that the officers went into his hotel room after detaining and searched the room of the complainant's neighbor. The officers stated that they conducted the search of the complainant's neighbor because he was on probation with a search condition. Department records show that the neighbor was indeed on probation with a search condition. The OCC was unable to locate and interview the complainant's neighbor. The complainant's girlfriend, who was also present during the incident, declined the OCC's request for an interview. The available evidence was insufficient to determine whether the search was proper under the circumstances and/or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer detained the complainant for a prolonged period of time.

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

FINDINGS OF FACT: The complainant stated that the officer said that he was detaining and taking the complainant to the station for identification purposes. The named member stated that he, in fact, placed the complainant under arrest and brought him to the station for booking on possession of narcotics charges. Two other officers, who were present during the incident, supported this statement. The complainant's girlfriend, who witnessed this police contact, declined the OCC's request for an interview. The available evidence was insufficient to determine what actually transpired during the complainant's interaction with the officer and/or to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-8: The officer misused their police authority.

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

FINDINGS OF FACT: The complainant stated that the officers conspired to violate his civil rights and they filed a false police report regarding the complainant's arrest. The named members denied the allegation and stated that the report accurately described the events surrounding the complainant's arrest. The complainant's girlfriend, who witnessed this police contact, declined the OCC's request for an interview. The available evidence was insufficient to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer is not available.

SUMMARY OF ALLEGATION #2: The officer behaved in a threatening and intimidating manner.

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

FINDINGS OF FACT: The officer is not available.

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

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

FINDINGS OF FACT: The officer is not available.

SUMMARY OF OCC ADDED ALLEGATION #4: The officer failed to provide Miranda warning.

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

FINDINGS OF FACT: The officer is not available.

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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SUMMARY OF ALLEGATION #1: The officer behaved in a rude and uncivil manner.

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

FINDINGS OF FACT: The complainant alleged that the officer was screaming at people and made an uncivil gesture during a vehicle towing. The officer and his partner denied the allegation. Although a witness across the street could not hear the conversations, the witness gave partially exculpatory evidence as to the allegation. OCC attempts to locate other witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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

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

FINDINGS OF FACT: The complainant stated the officers detained and accused him of driving a stolen car. The complainant admitted that the car rental was two months overdue. The officers stated the vehicle was reported stolen and was listed on a hot sheet. The stolen Auto Incident Report indicates that Hertz reported the car stolen on March 30, 2004.

SUMMARY OF ALLEGATIONS #3: The officer used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant stated the officer grabbed him by the arm pulled him out of the vehicle, causing him to bump his head, and pushed him by the neck as he was entering the patrol car, causing his back to crack. The complainant submitted a photograph showing a bruise on his left arm. The complainant stated he has a pre-existing back condition. The officer denied the allegation. The co-complainant stated she saw the officer grab the complainant and officer force him into the patrol car. The complainant's medical records indicated he did not complain of any new injury or trauma on the date of arrest. Given the complainant's prior medical condition the evidence of possible excessive force is equivocal. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant and co-complainant stated that the officers failed to read the rental agreement. The officers stated they were not required to read the rental agreement because the car was reported stolen by the rental company and was listed as a stolen vehicle on the hot sheet.

SUMMARY OF ALLEGATIONS #6: The officer seized and searched the passenger's bag without cause.

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

FINDINGS OF FACT: The co-complainant stated the officer took her bag from the rental car, emptied the contents on the hood. The officer stated he searched the bag because everything inside a stolen vehicle is considered possibly stolen. He said he was looking for the co-complainant's identification to make sure the bag belonged to her. He stated he did find the co-complainant's identification and returned her purse. There is insufficient evidence to prove or disprove that the search was proper.

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SUMMARY OF ALLEGATIONS #7-9: The officers behaved inappropriately at the scene and hospital.

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

FINDINGS OF FACT: The complainants stated the officers yelled at their son and laughed at him. The complainant stated that one officer deceived him at the hospital by telling him to tell the doctor he was fine so that he could be released but instead he was still taken to jail. The officers denied the allegations. There were no witnesses. There is insufficient evidence to prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #10-11: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant admitted that he was overdue on the rental car but had the money to pay and was on his way to return the car before he was detained. The officers stated that the car was reported stolen and listed on the hot sheet. The officer had probable cause to arrest the complainant.

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SUMMARY OF ALLEGATION #12-13: 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 had more money in his possession when he was arrested than was returned to him upon his release. He stated that the officer handled his wallet when he arrested him, then the transporting officer handled his money at the station, ambulance, and hospital. The officers denied the allegations. There is no other evidence to establish how much money the complainant had at the time of his arrest. The Sheriff's Department property receipt indicates that the amount of money returned to the complainant was equal to the amount handed to the Sheriff's deputies. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer wrote an incomplete report.

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

FINDINGS OF FACT: The Incident Report does not document any use of force. The complainant stated the officer used excessive force. The officer denied using excessive force, therefore he did not report or document any. The sergeant at the scene stated the officer did not report any use of force and on the contrary said the complainant was cooperative. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION # 15-16: The officer failed to report the use of force

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

FINDINGS OF FACT: The complainant stated the officer used excessive force. The officer denied using excessive force. The sergeant at the scene stated the officer did not report any use of force and on the contrary said the complainant was cooperative. 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 detained the complainant without justification.

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

FINDINGS OF FACT: The officer responded to an A priority call regarding a trespasser. The subject matched the complainant's description. Witnesses confirmed that they called the police to address the complainant's behavior. The detention was proper.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he searched the complainant after detaining him and just before putting him in a patrol wagon. He stated that he conducted the search for officer and prisoner safety. The complainant admitted that he verbally and physically resisted the officer's requests to sit on the ground and be quiet. The pat search was proper.

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SUMMARY OF ALLEGATION #3: The officer displayed inappropriate behavior and made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The named officer denied the allegation. Two witness officers stated that they were not present for the entire encounter, but denied seeing the alleged actions or hearing the alleged comments. Four other witnesses denied witnessing or did not recall the alleged comments and behavior. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he handcuffed the complainant outside a bank because he was afraid the complainant may become violent toward him. The officer subsequently placed the complainant in the patrol wagon, which required him to handcuff the complainant. The handcuffing was proper.

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SUMMARY OF ALLEGATION #5: The officer placed the complainant in a patrol wagon without justification.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that at the time the complainant was placed in the patrol wagon, the officer was alone, he put the complainant in a patrol wagon to ensure his safety while he investigated a dispute. One witness officer said he did not see the complainant put in the wagon. Another witness officer said that he saw the complainant being placed in the patrol wagon and that the named officer told him he was afraid the complainant might become violent. One witness stated that the complainant was put in the wagon because he was "out of control." Another witness stated that the man was put in the van so that the named officer could speak to bank employees. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer poked him, tried to force him to the floor of the bank, and pushed him out the door. The named officer denied the alleged actions. Two witness officers said they were not present for the detention and denied seeing any of the alleged actions or any use of force. One witness who saw the detention said the named officer did not poke the complainant, and that she did not think the officer tried to force the man to sit down. Another witness stated that he saw the complainant led out of the bank and into a patrol wagon, and saw no force used against him by an officer. Another witness said she saw no force used. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer displayed selective enforcement.

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

FINDINGS OF FACT: The named and two witness officers denied the allegation, stating that the complainant was detained, handcuffed and placed in a van because of the dispute he was in with bank employees and because of the man's physical and verbal actions and demeanor. Two witnesses said the officer dealt with the complainant in a professional and calm manner, and no other witnesses related any information that would suggest the detention of the complainant was related to anything other than the dispute in which he was engaged when the named officer detained him. The evidence showed the complainant was justifiably detained. Therefore, the enforcement action was proper.

SUMMARY OF ALLEGATION #8: The officer failed to remove or loosen the complainant's handcuffs when asked.

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

FINDINGS OF FACT: The named officer acknowledged that the complainant asked for the handcuffs to be removed, but said that he told him he could not remove the handcuffs. The named officer stated that he checked the handcuffs, and loosened them to appease the complainant. Two officers on the scene said that they did not hear the complainant ask about his handcuffs, did not see the named officer loosen them. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he issued a Certificate of Release to the complainant on his release from a patrol wagon, before the complainant re-entered a bank to get some money. The named officer recorded that action in his Incident Report that day, but said that he did not have a copy of the certificate. The department's records room did not have a record of the Certificate of Release. A witness officer stated that he saw the named officer give the complainant a Certificate of Release, but said it was after the complainant had received his money. One other officer on the scene did not see the named officer give a Certificate of Release to the complainant. One witness said he saw the named officer give the complainant "all his property," but nothing else. Three witnesses stated that they did not see the complainant when he was released. The investigation failed to disclose sufficient 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 inappropriately seized some of the complainant's property.

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

FINDINGS OF FACT: The officer denied the allegation. The witness officer stated he did not see the officer do this. There were no witnesses who could be contacted.

SUMMARY OF ALLEGATION #2-3: The officer searched the complainant's property without cause.

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

FINDINGS OF FACT: The officers denied the allegation. There were no witnesses who could be contacted.

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

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

FINDINGS OF FACT: The officer denied the allegation. The witness officer stated he did not see the officer do this. There were no witnesses who could be contacted.

SUMMARY OF ALLEGATION #5: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The officer denied the allegation. The witness officer stated he did not see the officer do this. There were no witnesses who could be contacted.

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SUMMARY OF ALLEGATION #1-2: The officers failed to take a required action by not providing the complainant, who is deaf and illiterate, with an ALS interpreter.

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

FINDINGS OF FACT: The complainant stated that the officers who arrested him ignored the indications that he was deaf and unable to communicate and failed to furnish him with a sign language interpreter so that he could explain what had taken place during the incident. The officers stated that they were aware the complainant might have a hearing impairment of some kind but believed he did understand them. A preponderance of the evidence, consisting for the most part in the officers' own testimony, proved that the officers did not provide the complainant with an ALS interpreter who could have enabled him to communicate the facts of the incident

SUMMARY OF OCC ADDED ALLEGATION #3 The officer wrote an inaccurate/incomplete Incident Report.

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

FINDINGS OF FACT: The investigation proved that the Incident Report written by the officer left out significant information about the complainant's physical impairment and inability to communicate, as well as failed to document several relevant aspects of what took place. In addition, the investigation proved by a preponderance of evidence that certain statements in the Incident Report were inaccurate.

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

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

FINDINGS OF FACT: The complainant stated that the arrested party could not have committed the violation for which he was arrested, based on his disability. The officers denied the allegation, stating that the arrested party was capable of communicating his intent in spite of his disability. They also stated that they had observed similar violations committed in a similar manner. The OCC attempted contact the witness, to no avail. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

SUMMARY OF ALLEGATION #3: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant alleged that the officer misstated the facts in his report regarding the arrested party and his ability to carry out his intent. The officer denied the allegation, stating that he observed the arrested party commit the violation in question. The OCC attempted contact the witness, to no avail. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

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

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

FINDINGS OF FACT: The complainant stated that he was standing on a street talking to his friend when he was taken into custody. The officers stated that the complainant was arrested for loitering and for violating a stay-away order. The evidence proved that the complainant was standing in an area which violated the stay-away order. As such, the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer placed the complainant in handcuffs without justification.

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

FINDINGS OF FACT: The complainant was handcuffed incident to his arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper given that the officer made a lawful arrest.

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

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

FINDINGS OF FACT: The complainant was lawfully arrested for loitering and for violating a stay-away order. During a search of the complainant's vehicle, the officer found a large amount of cash and contraband. The complainant was then taken to the station where he was stripped search by another officer with the approval of the named officer. There is insufficient evidence to either prove or disprove that the officer had reasonable suspicion based on specific and articulable facts that the complainant was concealing a weapon or contraband.

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

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

FINDINGS OF FACT: The complainant stated that he was standing on a street talking to his friend when the officer approached him and grabbed him by the throat. The officer stated that as he was approaching the complainant, the complainant began to drink from a plastic bottle. Thinking that the complainant was attempting to swallow narcotics, the officer used a mastoid constant nerve stimulation on the complainant. The complainant was subsequently placed into custody without further incident. No other witnesses were identified. There is insufficient evidence to either prove or disprove whether the force used was unnecessary.

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SUMMARY OF ALLEGATION #1: The officer failed to document the strip search and/or file a strip search form with the incident report.

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

FINDINGS OF FACT: A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer failed to request medical evaluation for the complainant.

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

FINDINGS OF FACT: SFPD Department General Order 1.03 states, in pertinent part, "When an arresting officer reasonably suspects that the person he/she has arrested or detained has ingested drugs, the arresting officer shall have the person medically evaluated prior to booking." The officer stated that he repeatedly asked the complainant if he had swallowed narcotics, and the complainant said no. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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OCC ADDED ALLEGATION

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer cited the complainant's daughter.

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

FINDINGS OF FACT: The complainant failed to provide assistance in pursuing the investigation into the complaint.

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

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

FINDINGS OF FACT: The complainant failed to provide assistance in pursuing the investigation into the complaint.

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DATE OF COMPLAINT: 10/28/04 **DATE OF COMPLETION:** 06/23/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer pat-searched detainees without cause.

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

FINDINGS OF FACT: The complainant stated that she saw an African American male officer search a female detainee without cause. The reporting officer, who stated during their OCC interview that he searched a female detainee, was Latino, and his partner was a white male. One African American officer, reported on Department records as being on the scene, recalled nothing of the incident. Four other witness officers stated they did not recall who searched whom. The parties who were searched did not respond to requests for interviews. There were no other witnesses. Additionally, the reporting officer stated in his report and in his OCC interview that a crime victim pointed out a passing car and told him it contained a woman who had brandished a gun at the victims. The reporting officer's partner stated during his OCC interview that a woman had reportedly brandished a gun, but an audio recording at the time of the incident contained that officer's statement that no gun was seen. The investigation failed to disclose sufficient evidence to establish which officers searched the detainees, or to prove, or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that a female officer improperly stood by while a male officer searched a female detainee. The sole female officer stated that she did not observe a search. Her partner denied recalling anything of the incident. Five witness officers did not recall who searched whom. The detainees who were searched did not respond to requests for interviews. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove, or disprove, the allegation.

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SUMMARY OF ALLEGATION #3: The officer inappropriately touched a female during a search.

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

FINDINGS OF FACT: The complainant stated that an African American male officer groped a female detainee. The reporting officer, who is Latino, stated that he conducted a proper search of the female, according to Department procedure. The sole African American officer who Department records show was on the scene of the detention did not recall anything about the incident. Five witness officers said they did not recall who searched whom. Two detainees declined to respond to requests by the OCC for interviews. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant has failed to provide sufficient information to further the investigation process.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer grabbed her upper arm and pulled her off a barrier. The officer stated that he touched the complainant's arm or shoulder to get her attention when she ignored his repeated commands to stop climbing a police barrier. One witness stated that the officer touch the complainant's arm and shoulder. Another witness stated that the officer grabbed the complainant, but she did not remember where the officer grabbed her. The investigation did not establish conclusively the reason for the officer to have touched the complainant or just how he did touch her. There is insufficient evidence, therefore, to prove or disprove the allegation that his use of force was excessive and unwarranted.

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

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

FINDINGS OF FACT: The officer stated that he told the complainant if she continued her attempt to climb a police barrier, she would be arrested. The witnesses' descriptions of what the officer said and when and how often he may have mentioned arrest or jail lacked consistency. If the officer was only stating a legitimate legal consequence of a particular action engaged in by the complainant, he was justified in doing that. There was insufficient evidence, however, to establish by a preponderance exactly what was said and in what context and, therefore, to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer's comments and behavior were discourteous.

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

FINDINGS OF FACT: The complainant stated that the officer's comments were discourteous. Witnesses said the officer made discourteous comments, but their descriptions of what was said and to whom, failed to corroborate each other with sufficient consistency to establish, by preponderance, whether the officer was discourteous.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on May 24, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on May 24, 2005.

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SUMMARY OF ALLEGATION #1: The officer used profane and uncivil language.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity towards her. The co-complainant stated that he was not near the complainant during that part of the incident. The named member denied using profanity. Four other officers involved in this incident stated they did not hear the named member using profanity. Three other possible witnesses to this incident did not respond to the OCC's requests for an interview. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to take a report of a crime.

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

FINDINGS OF FACT: The complainant stated that she told the officers that she had been threatened by several individuals at the scene prior to the police arrival. One named member stated that the complainant made no such reports at the scene. The second named member did not recall the content of his conversation with the complainant. The co-complainant in this case provided only partial corroboration concerning this allegation. Three other officers involved in this incident stated that they did not hear anyone making reports of threats. Three other potential witnesses who were present at the time did not respond to the OCC's requests for an interview. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer failed to investigate a traffic collision.

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

FINDINGS OF FACT: The complainant stated that the officers failed to investigate the traffic collision involving her car. The named member stated that the complainant never requested police investigation of the traffic collision but once he determined that there had been indeed a non-injury vehicle accident involving the complainant's car, he facilitated the exchange of the drivers' information, as was required by the relevant Department guidelines. The Department Policy on Vehicle Accidents does not require officers to investigate and/or report non-injury (damage only) accidents barring some specific circumstances. This incident did not match criteria for any of those exceptions. Given the circumstances of this incident, the officer acted properly and in compliance with the relevant Department guidelines.

SUMMARY OF ALLEGATIONS #5-7: The officers detained and handcuffed the co-complainant without justification.

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

FINDINGS OF FACT: The complainant stated that her male companion was detained and handcuffed without any apparent reasons. This person, who became a co-complainant in the case, stated that, prior to the detention, the officers told him that they had received a report of an individual in possession of a gun and that he matched the description. The named members stated that they were dispatched to a fight with a possible gun and a witness at the scene said that the co-complainant was armed with a gun. Based on that information, the officers detained and searched the co-complainant and his car but found no weapon. Two other officers involved in this incident, in essence, supported the named members' statement. Three potential witnesses who were present at the scene at the time did not respond to the OCC's requests for an interview. The witness who allegedly pointed out co-complainant to the officers failed to respond to OCC's requests to be interviewed. The Communications records showed that the officers were dispatched to a fight with a possible gun but without a clear indication as to who might be armed. At the time, the dispatchers were also handling a carjacking run that involved a gun and was taking place within two city blocks from the scene of this incident, which seemed to have adversely affected the quality and clarity of the Communications' broadcasts. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8-9: The officers failed to document the co-complainant's detention.

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

FINDINGS OF FACT: The complainant stated that the officers did not write a report regarding her friend's detention. The OCC's investigation found that he named members, in fact, prepared the Incident Report regarding the occurrence involved the complainant and her male companion at the end of their watch that night.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-4: The officers arrested co-complainant "JC" without cause.

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

FINDINGS OF FACT: The co-complainant was arrested for resisting arrest. The co-complainant acknowledged that he resisted arrest. He stated that fled from the officers and pushed and kicked the officers. His two siblings confirmed this statement. A witness stated that he saw the co-complainant kicking the officers. The officers stated that the co-complainant attempted to flee and kicked one officer in the mouth. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #5-6: The officers arrested co-complainant "AC" without cause.

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

FINDINGS OF FACT: The co-complainant was arrested for interfering with the arrest of his brother. He acknowledged interfering with the arrest of his brother. He stated that he grabbed his brother away from an officer and helped his brother flee from custody. The officers' conduct was proper.

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SUMMARY OF ALLEGATIONS #7-8: The officers arrested co-complainant "RC" without cause.

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

FINDINGS OF FACT: The co-complainant was arrested for resisting arrest and battery on a police officer. The co-complainant stated that she struggled with an officer and slapped his arm. One of her brothers stated that the co-complainant was trying to move away from an officer and struck the officer's face. Another brother stated that co-complainant hit an officer's face. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #9-13: The officers used excessive force during the arrests of two of the co-complainants.

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

FINDINGS OF FACT: A co-complainant stated that, while he was kicking at the officers, an officer grabbed his foot and twisted it. All of the officers denied twisting the co-complainant's foot. One officer stated that, while he was trying to control the co-complainant's legs, the co-complainant kicked him in the mouth. He stated that he then applied a Department-issued leg restraint on the co-complainant's legs. A second co-complainant stated that a male officer hit her on the nose with the palm of his hand. The officers who had physical contact with the co-complainant denied striking her nose. The co-complainant also stated that a female officer pulled some of her hair out. The female officer stated that she employed a hair-pull takedown when she saw the co-complainant jumping on an officer's back. A witness stated that he saw a male officer strike the co-complainant's face, and that the co-complainant tried to strike the officer. There were no other available witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officer failed to provide identification to the complainant upon request.

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

FINDINGS OF FACT: The officer stated that he wrote down his name and badge number and handed it to the complainant. The officer stated that he later saw the complainant throw her belongings on the floor. There were no other available witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer used a racial slur

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

FINDINGS OF FACT: The complainant and co-complainants provided inconsistent descriptions of the officer. The Station Keeper, the Station Duty, the arresting officer and the shift supervisor denied using or hearing a racial slur. There were no other available witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #16: The officer behaved inappropriately towards the complainant.

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

FINDINGS OF FACT: The complainant and the witness did not respond to OCC's requests to conduct a photo spread. There were no other available witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #17: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant and the witness did not respond to OCC's requests to conduct a photo identification. There were no other available witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #18: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant and the witness did not respond to OCC's requests to conduct photo identification. There were no other available witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #19: The officer failed to provide medical attention upon request.

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

FINDINGS OF FACT: The Station Keeper stated that he medically screened the co-complainants and they did not request medical attention. The arresting officer and a supervisor both stated that the co-complainants did not request medical attention. There were no other available witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #20: The officer failed to loosen tight handcuffs.

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

FINDINGS OF FACT: The co-complainant stated that, when he and his sister complained about tight handcuffs, they were loosened. The Station Keeper, the arresting officer and a supervisor both stated that the co-complainants did not complain about tight handcuffs. There were no other available witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #21: The officer failed to follow proper juvenile procedures.

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

FINDINGS OF FACT: The co-complainants stated that they were handcuffed the entire time they were detained at the station. According to Department records, the co-complainants were detained for more than two hours. The arresting officer stated that it was an oversight that the co-complainants were handcuffed for more than thirty minutes, in violation of Department policies and procedures. The allegation was sustained.

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SUMMARY OF ALLEGATION #1: The officer detained the man without cause.

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

FINDINGS OF FACT: The complainant has failed to OCC request for an interview. There is insufficient evidence to either or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant and one witness were not at the incident, but heard from nearby building proprietors that when demonstrators smashed the complainant's plate glass window, officers stood by and watched without attempting to protect his property. One witness interviewed stated that officers were there when the incident occurred, but could not identify any officer specifically. Another witness closed his shop and left shortly after the glass breaking incident. Officers identified by the complainant stated that they were not there when the incident occurred. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was not happy with the way the officer treated him, but failed to delineate any specific conduct. One witness stated that the officer was disrespectful in the manner in which the officer spoke to the complainant. Other witnesses did not see or hear the interaction. The named and witness officers denied the allegation. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant and his father alleged that an officer, after allegedly investigating the incidents, returned and told the complainant that there were no witnesses. The complainant allegedly spoke to the same witness, who told the complainant that the officer did not question him about the incident, but just inquired whether everyone was safe. The complainant's father corroborated the allegation, but provided a different physical description for that witness. The father also stated that the alleged witness could not identify the responsible parties.

The OCC interviewed two witnesses. One of them could not identify the officer who spoke to him. The other witness, who wished to remain anonymous, did not speak to the police.

Because it is not clear that the complainant and his father are speaking about the same "witness," there is insufficient information to identify the involved officer or 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 spoke to the complainant in an inappropriate and threatening manner.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he raised his voice in a noisy environment and because the complainant refused his initial verbal commands to stop. A witness officer stated he did not hear what was said between the complainant and the officer. Another witness also stated that he did not hear any conversation between the complainant and the named officer. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer acknowledged detaining and moving the complainant, but explained that he did so only to remove the complainant from a seriously dangerous area, and only after the complainant ignored traffic signs and the officer's verbal command to stop. A witness officer and another witness at the scene corroborated the account of the officer, and confirmed the existence of a dangerous situation at the scene of the brief detention. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The named officer denied using the force that was described by the complainant. He also denied the complainant's statement that he had pushed down the complainant. One witness officer stated that he saw the incident across a street, and did not see the physical actions described by the complainant, saw no force used, and said the complainant did not fall to the ground. A civilian witness said he saw a portion of the incident, but was distracted because he was operating heavy equipment. 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 threatened the complainant.

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

FINDINGS OF FACT: The complainant withdrew this complaint.

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

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

FINDINGS OF FACT: The complainant withdrew this complaint.

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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 properly investigate her call regarding off leash dogs. However, the complainant acknowledged that the named member, in fact, interviewed her, her children and the dog sitter. The named member and a back-up officer stated the same. The evidence showed that the officer took reasonably necessary actions to investigate the complainant's call for police assistance.

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

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

FINDINGS OF FACT: The complainant stated that when the officers responded to her call for police assistance regarding unleashed dogs, the dogs were still off leash and unrestrained. The named member and a back-up officer stated that when they arrived to the scene of the incident, the dogs were, in fact, restrained and they could not take any enforcement actions without personally observing the alleged violation. The complainant did not respond to the Office of Citizen Complaint's request for an interview with her underage children who were witnesses to this incident. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3-4: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that one officer “rudely” questioned her children and made disparaging comments about the complainant to the third party and the second officer did not thank the complainant when the latter offered him a pie. The first officer denied being rude with the complainant’s children and denied making disparaging comments about the complainant to anyone. The second officer could not recall whether he said thank you to the complainant when she gave him a pie. The complainant did not respond to the Office of Citizen Complaint’s request for an interview with her children. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on June 2, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on June 2, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on June 2, 2005.

SUMMARY OF ALLEGATION #4: The officer failed to prepare a report.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on June 2, 2005.

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

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

FINDINGS OF FACT: The complainant stated that the officer was rude toward him and his son. The complainant's son corroborated the complainant's allegation against the officer. A witness corroborated the complainant's allegation against the officer. The named officer and a witness officer denied the allegation. 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. As such, the allegation is sustained.

SUMMARY OF ALLEGATION #2: The officer failed to release the hold on the complainant's son's vehicle.

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

FINDINGS OF FACT: 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. The allegation is sustained.

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

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

FINDINGS OF FACT: The officer denied the allegation. The witness' statement was inconclusive. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer detained the complainant due to bias.

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

FINDINGS OF FACT: The member denies the allegation, but no independent proof exists. There were no witnesses identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer was rude to the complainant.

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

FINDINGS OF FACT: The member denies the allegation, but no independent proof exists. There were no witnesses identified. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer detained the complainant due to bias.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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