

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/01/07 **DATE OF COMPLETION:** 06/25/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer forced her head onto the wall. The officer denied the allegation. The witness officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer conducted an improper strip search.

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

FINDINGS OF FACT: The complainant stated the officer did a body cavity search to remove the baggie from her crotch area. The officer denied the allegation. The witness officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The contact that the officer responded to was properly documented in the CAD. Based upon the complainant's own statements in conjunction with witness' statements. There is no evidence to merit the generation of an Incident Report.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to display their stars.

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

FINDINGS OF FACT: The complainant stated that even though he recognized the unmarked police vehicle and the plainclothes officers, they failed to identify themselves and display their stars when he and his friend were detained. The officers said they identified themselves and displayed their stars outside their clothing from the time they exited the unmarked vehicle until the end of these detentions. There was conflicting statements among five witnesses on scene and two others in a nearby location. The complainant testified in criminal court that he knew before his detention the men in plainclothes were police officers. The preponderance of the evidence proves that the acts alleged did not occur.

SUMMARY OF ALLEGATIONS #4-5:The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant and a friend stated they were talking when a plainclothes officer detained the complainant without justification. A named officer acting as a spotter said he saw from a surveillance view point the complainant and his friend purchase narcotics from a female and walk one block before he saw them smoke suspected crack cocaine from a pipe before he communicated to an arrest team his observations, the suspects' descriptions and their location. Based on these observations, the other named officer detained the complainant. There was no narcotics or contraband found on the complainant or his friend. All officers on scene said they confirmed with the spotter the identity of the detainees, and stated the detainees had time to smoke the substance and discard the pipe before their detentions. The complainant submitted a specimen a day after the incident to test for the presence of cocaine in his system, among other substances, and the toxicology results were negative. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant said an officer who did not identify himself immediately handcuffed him without justification. The named officer said he handcuffed the complainant based on his size, his failure to remove his hands from his pockets upon two requests, his belief that the complainant might have a knife or a weapon in his pocket, and the need to restrain him in order to properly conduct a search of his pockets. The complainant is six feet six inches tall and the officer is five feet ten inches tall. The spotter officer confirmed the complainant and his friend were the right suspects to detain. Civilian and sworn witnesses on scene gave conflicting statements as to the basis for the officer's apprehension. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7: The officer used excessive force during the detention.

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

FINDINGS OF FACT: The complainant said the officer grabbed him by the collar of his jacket, turned him around, pushed him against a building wall, and after being handcuffed proceeded to knee him in the groin area and punch him on the side of his torso. The officer denied the allegation. Civilian and sworn witnesses on scene gave conflicting statements about the allegation. Medical records dated four days after the detentions indicate the complainant sustained a lumbar contusion. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8: The officer made a racially derogatory remark.

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

FINDINGS OF FACT: The complainant said the officer used a familiar racially demeaning term in the same remark he used profane language to tell him to shut up. Numerous witnesses on scene denied the allegation. Three other witnesses could not provide sufficient information about the allegation based on their location. There is insufficient evidence to either prove or disprove the allegation

SUMMARY OF ALLEGATIONS #9-10: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant said the detaining officer first searched him followed by a second officer, both without cause. Civilian and sworn witnesses on scene gave conflicting statements as to the number of searching officers and the basis for the officer's apprehension to search the complainant. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11-12:The officers used profane, threatening, intimidating behavior.

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

FINDINGS OF FACT: The complainant said two officers involved in his detention used profane language, as well as threatening and intimidating behavior during their interactions with the complainant and an onlooker on scene. The officers denied the allegation and denied the second officer had any interaction with the complainant or an onlooker. Two civilian witnesses on scene denied the use of any profane language as well as one of the acts deemed threatening and intimidating by a second officer. There were significant identification issues among witnesses about the second officer and his interaction with an onlooker. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer interfered with the right of onlookers.

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

FINDINGS OF FACT: The complainant said his detaining officer interfered with the rights of an onlooker. The preponderance of the evidence established that the named officer was not involved in conversations with onlookers on scene, and that another officer on scene interacted with the onlooker. However, all officers on scene denied the allegation. There were conflicting statements between civilians and officers. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/24/06 **DATE OF COMPLETION:** 06/07/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that he responded to two separate calls from a reportee at his tax service business, regarding an unwanted guest. The reportee identified the complainant and the officer performed an investigative detention on the complainant. The reportee and a witness stated the complainant came into the business office and subsequently argued with the reportee in a disruptive manner. The complainant acknowledges that she went into the business office and her attorney told her to stay away from the reportee's tax office. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The office denied the allegation, stating he did not use excessive force by grabbing the complainant's arm tightly, during the detention. The officer stated he was very professional towards the complainant. The officer said the complainant never complained of pain during the incident. The reportee stated he observed the complainant arguing loudly with the police officer and saw the officer taking her towards the police car by the arm. The reportee said the officer did not grab the complainant's arm too hard. Two other witnesses stated they observed the officer grab the complainant by the arm and walk her to the police car. The witness officer said he observed the named officer place the complainant into the patrol car. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he gave the complainant several opportunities to explain her side of the incident. The officer investigated the incident by obtaining statements and information from the reportee, witnesses, and the complainant. Towards the conclusion of the investigation, the reportee admitted that the complainant was his estranged wife. The officer stated he received a citizen's arrest on the complainant from the reportee for trespassing on private property. The officers' actions to investigate the incident were corroborated by the reportee, the witness officer, and witnesses. Once at the police station, the officer determined the incident to be a civil matter between the complainant and her estranged husband. The officer subsequently released the complainant, per 849(b) PC. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION # 3-4: The officers applied tight handcuffs.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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

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

FINDINGS OF FACT: The complainant withdrew his complainant.

SUMMARY OF ALLEGATION #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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SUMMARY OF ALLEGATION #7: The officer failed to loosen tight handcuffs.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #8: The officer used excessive force while in custody.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments to him alluding that he was a drug user and “hung out” at a hotel known to be frequented by drug users. The officer denied the allegation, stating that he had never met or heard of the complainant. No witnesses came forward. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer uttered a sexual slur.

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

FINDINGS OF FACT: The complainant alleged that the officer called him a “gay whore.” The officer denied the allegation, stating that he had never met or heard of the complainant. No witnesses came forward. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/29/07 **DATE OF COMPLETION:** 06/04/07 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant alleged that when he encountered the named officer in a private outdoor parking lot, he sought the officer's name and star number. The officer responded that he could not provide the complainant with his name and star number and turned away. No witnesses came forward. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that two men failed to identify themselves as police officers. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that an officer who had her sign a consent to search form and who did most of the talking threatened to return to her residence to “turn the place upside down” in search for a specific item he could not find. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/02/07 **DATE OF COMPLETION:** 06/27/07 **PAGE # 1 of 2**

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

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

FINDINGS OF FACT: The officers denied the allegation, stating that the complainant's car was blocking a sidewalk and that, due to an accidental incorrect entry of the license plate, the incorrect registration was broadcast. A witness stated that the officers told the complainant that the car was stolen, and that its vehicle identification number did not meet its registration. Department records indicate that the unit to which the named officers were assigned did enter a license plate one digit different than was on the car driven by the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: 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 named officer improperly approached him with his hand on his gun, and then inappropriately behaved when the complainant reached for documents in his glove box. The named officer acknowledged that he had his hand on his gun as he does always and said that he was in a state of heightened alertness because of a mix-up on the car's registration and license plate. The named officer denied any inappropriate comments. One witness officer stated that he did not hear any of the alleged comments but was in a position where he could not hear the entire conversation of the named officer and the complainant. He stated that the named officer's behavior was normal for the incident. A witness said she heard the officer tell the complainant that he was improperly reaching for his glove box after telling him that he should produce his registration. There is insufficient evidence to prove the allegations.

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SUMMARY OF ALLEGATION #4: The officer failed to provide his star number on request.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. One other witness did not hear the request. 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: This complaint raises matters outside OCC's jurisdiction.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested him without cause. Department records indicate that the complainant was arrested pursuant to a citizen's arrest for trespassing, and that the complainant fled from officers when they sought to detain him. The complainant admitted fleeing from the officers. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that as he was seated in the booking area, he used his shoe to pull a basket containing property that had been taken from him towards him so he could retrieve his cigarettes. The complainant stated that one of the officers who arrested him then used unnecessary force on him. The named officer and his partner denied the allegation. The complainant claimed that another individual who was in custody at the police station witnessed the use of force. The only other individual who was in custody at the station stated that he was intoxicated when taken to the police station and did not recall seeing or having contact with anyone else who was in custody. The complainant's medical records did substantiate the complainant's claim about the force used upon him. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used profanity

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

FINDINGS OF FACT: The complainant stated that one of the officers who arrested him used profanity at the police station. The named officer and his partner denied the allegation. The complainant claimed that another individual who was in custody at the police station witnessed the officer's use of profanity. The only other individual who was in custody at the station stated that he was intoxicated when taken to the police station and did not recall seeing or having contact with anyone else who was in custody. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The complainant stated that as he was riding his bicycle, an officer in a patrol car asked the complainant to come over and talk to him. The complainant said he rode away, and was chased by the officers, but evaded them. The complainant stated that one of these officers later telephoned him three times and threatened to arrest him if the officers saw him again on the same street. The complainant was uncertain about the specific date of this incident. An officer who matches the description of one of the officers the complainant described denied having any interactions with the complainant. Department records indicate that the complainant had multiple arrests in this area during this time period. One involved an incident where an officer in a patrol car recognized the complainant, who was walking his bicycle, as a suspect in a recent assault. The officer told the complainant that he wanted to talk to him, but the complainant fled on his bicycle, was chased and arrested. None of the officers involved in this incident matched the description of the officers provided by the complainant. There was insufficient evidence to identify the involved officers or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The identity of the officer has not been established. No witnesses came forward. There is insufficient evidence to either prove, or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer displayed a firearm without justification.

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

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

SUMMARY OF ALLEGATION #2: For threatening and inappropriate behavior and comments.

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

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

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SUMMARY OF ALLEGATION #3: The officer used a sexually derogatory comment.

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not make a sexually derogatory comment towards the complainant. No witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was arrested for possession and sales of rock cocaine. At the time of the complainant's arrest, she was on probation from a prior drug conviction.

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SUMMARY OF ALLEGATION #1: The Emergency Communications Department dispatcher dispatched officers from a police station.

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

FINDINGS OF FACT: This allegation raises matters outside the Office of Citizen Complaints, and it has been referred to:

Emergency Communications Department
1011 Turk Street
San Francisco, CA 94102
(415)558-3295

SUMMARY OF ALLEGATION #2-3: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant said the officers made inappropriate and biased questions to her during their investigation of a domestic violence incident. The complainant also stated that the officers questioned her separately while each officer was alone with her. The officers could not recall the specific questions they posed to the complainant during their questioning. There were no witnesses to either prove or disprove the allegations. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATION #4: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The preponderance of the evidence established that the complainant alleged she sustained visible redness on her left arm; however, the officer's reporting that there were no visible injuries were corroborated by photographic evidence and medical assessment by paramedics. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: Neglect Of Duty for inattention to duty.

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

FINDINGS OF FACT: The officer admitted picking his mother up while on duty in uniform in a marked patrol car. The allegation is sustained by the officer's own admission.

SUMMARY OF ALLEGATION #2: Conduct Reflecting Discredit for improper use of department property.

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

FINDING OF FACT: The officer used a marked patrol car for personal use. The allegation is sustained by the officer's own admission.

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SUMMARY OF ADDED ALLEGATION #1: The officer failed to notify communications he was transporting a female passenger in his patrol car.

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

FINDINGS OF FACT: The officer admitted transporting his mother in a marked patrol car without notifying communications. The allegation is sustained by the officer's own admission.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

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

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/07 **DATE OF COMPLETION:** 06/26/07 **PAGE # 2 of 2**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/07 **DATE OF COMPLETION:** 06/14/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: There was no response by the claimant and no prima facie evidence of an injury. There is insufficient evidence to proceed with an OCC investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/07 **DATE OF COMPLETION:** 06/22/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATIONS 3-4: The officers threatened the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: Department records show that the officer was dispatched to a 916 (suspicious person, in a vehicle) and that the contact with the complainant lasted for approximately 20 minutes. The complainants statements in conjunction with department records (CAD) warrant a finding of Proper Conduct.

SUMMARY OF ALLEGATION #: 2.The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. The identified witnesses neither support or refute the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/07 **DATE OF COMPLETION:** 06/0707 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION: 3 The officer issued an invalid order.

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

FINDINGS OF FACT: Department records show that the officer was dispatched to a 916 (suspicious person, in a vehicle) and that the contact with the complainant lasted for approximately 20 minutes. The complainants statements in conjunction with department records (CAD) warrant a finding of Proper Conduct. The complainant was admonished to leave a restricted area.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/07 **DATE OF COMPLETION:** 06/21/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer intentionally damaged property.

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

FINDINGS OF FACT: The officers obtained the key from the manager for entry however the occupants had barricaded the door. The officers had to make a forced entry causing damage to property. The officers have the authority to make forced entries and documented the damage per department guidelines.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/07 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/07 **DATE OF COMPLETION:** 06/12/07 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/07 **DATE OF COMPLETION:** 06/27/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant did not want to pursue an OCC complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/07 **DATE OF COMPLETION:** 06/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 20, 2007.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 20, 2007.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The officer stated that he responded to a request to remove the complainant from housing provided by the homeless assistance program. The program's clinical supervisor stated the complainant had barricaded herself in her room, was abusing drugs and was refusing to follow house rules. The officer, his partner, and the clinical supervisor stated they were unable to persuade the complainant to leave her room. Ultimately, the officer pushed his way into the barricaded room and entered the room. He stated he employed a Department-approved rear wristlock technique and led her into the hall. The clinical supervisor stated he saw the officer pull the complainant by the arm; he stated the officer did not use force or harm the complainant. The clinical supervisor further stated the complainant was schizophrenic, paranoid and delusional. Several hours later, the complainant made two 911 calls stating she was seriously injured. Two supervising officers spoke with the complainant but could find no injuries and stated the complainant was uncooperative and making statements that indicated she was delusional.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/07 **DATE OF COMPLETION:** 06/06/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 5, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/07 **DATE OF COMPLETION:** 06/27/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated when he tried to explain his side of the incident; the officer told him he hadn't asked him any questions. The officer denied the allegation, stating he did not recall making such a statement at anytime during his contact with the complainant. The witness officer said he did not hear any statements made by the named officer to the complainant during their initial contact. The witness officer said he spoke to the complainant about the incident once he interviewed the reporting party. The witness stated she heard the named officer ask the complainant what happened and the complainant started talking and explaining his side of the story. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer told him to shut up and threatened him with arrest. The named officer denied the allegation, stating he made no such statement towards the complainant. The named officer denied threatening the complainant with arrest. Rather, the named officer stated he told the complainant that based on the totality of circumstances the complainant could be placed under arrest for death threats. The witness officer corroborated the account of the named officer. The witness stated she never heard the named officers say shut up or anything rude or inappropriate to the complainant. The witness said the complainant attempted to minimize the severity of his threats to her during his apology. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/07 **DATE OF COMPLETION:** 06/27/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3-4: The officers failed to properly investigate the incident.

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

FINDINGS OF FACT: The complainant stated the officers failed to properly investigate the incident. The officers denied the allegation. The first officer said he interviewed the reporting party regarding the incident. The other officer approached the complainant and conducted a cursory pat search for weapons. After interviewing the reporting party, the first officer proceeded to interview the complainant. Both officers stated the complainant acknowledged and admitted the verbal threat to kill the reporting party. The first officer explained the possibility of arrest, based on the alleged threats to the complainant. Both officers and the complainant stated he agreed to apologize to the reporting party. The witness corroborated the accounts of the officer's process of investigation. The witness and the officers agreed that all parties were satisfied with the results of the incident. The witness said the officers handled the investigation in a professional manner. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/07 **DATE OF COMPLETION:** 06/14/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 14, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: Officer made improper comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 5, 2007.

SUMMARY OF ALLEGATION #2: The officers failed to write an accurate report.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 5, 2007.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/07 **DATE OF COMPLETION:** 06/27/07 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1: The complainant was cited without justification.

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

FINDINGS OF FACT: The complainant is honorably discharged veteran who often sells books on the streets. He has been repeatedly cited by SFPD members for violating San Francisco Municipal Code §869 that prohibits the selling of merchandise without obtaining a police permit. The SFPD's Permit office will not waive the fee to obtain a Non Food Peddler Permit. California Business and Profession Code §16102 states that honorably discharged or released veterans "may hawk, peddle and vend any goods, wares or merchandise owned by him ... without payment of any license, tax or fee whatsoever, whether municipal, county or State, and the board of supervisors shall issue to such soldier, sailor or marine, without cost, a license thereof." In Brooks v. Santa Clara County (1987) 191 Cal.App.3d 750 the court held that the veterans' exception under Business and Professions Code § 16102 exempted veterans from public health license and permit fees. The court emphasized that the purpose of the veterans' exemption is to enable specified veterans to obtain licenses to engage in specified kinds of business without being required to pay. The police department's practice of refusing a fee waiver to honorably discharged veterans such as the complainant who apply for a Non-Food Peddler Permit violates state law. The OCC recommends that the Police Department revise its permitting procedures to conform with the veterans' exemption of California Business and Professional Code §16102, thereby issuing peddler permits without requiring a fee to honorably discharged or released veterans.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/04 **DATE OF COMPLETION:** 06/25/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In his interview, the officer stated he responded to a restaurant robbery and was provided a description of the suspect by the waitress. He stated he spotted the complainant near the restaurant and detained her. The officer stated the complainant matched the suspect's height, weight, race and gender. He recalled that the complainant was wearing clothing that was similar to the suspect's clothing. The complainant told the OCC she was wearing clothing that did not match the clothing described in dispatch records. The officer stated that he was not aware of the description provided by dispatch, and relied on the description provided by the waitress. No witnesses were able to provide accurate, reliable descriptions of the complainant and the suspect. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/07 **DATE OF COMPLETION:** 06/25/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer demanded that she open her door, banged on the door, screamed, and intimidated complainant and her daughter. The officer denied the allegation, stating that he was at the complainant's residence in response to a dog complaint. There were no available percipient witnesses. 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: 05/04/07 **DATE OF COMPLETION:** 06/25/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Unwarranted Action for citing the complainant without cause.

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

FINDINGS OF FACT: During his Office of Citizen Complaints interview, the complainant stated he was not sure that he did not commit the violation for which he was cited. The officer therefore had probable cause to cite the complainant. The evidence proves that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: Conduct Reflecting Discredit for inappropriate behavior.

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

FINDINGS OF FACT: During his OCC interview, the complainant stated that he thought the officer was stalking him around his neighborhood because he sees her driving in his neighborhood often. A review of police records shows that the officer is assigned to the sector car covering the neighborhood in which the complainant resides. The officer has a duty to patrol this area, and this accounts for the frequent times the complainant has seen her. The evidence proves that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer drew his weapon without justification

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence and results of the Captain's identification Poll led to no new information.

SUMMARY OF ALLEGATION #2: The officer harassed the complainant

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence and results of the Captain's identification Poll led to no new information.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/07 **DATE OF COMPLETION:** 06/21/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer searched the complainant because he was on active felony probation with a 10-35-search condition and a stay-away order from the location of his arrest. The complainant's associate was also queried and did not have any warrants, stay-away orders and was not on parole or probation. As a result, the complainant's associate was admonished and allowed to leave. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant was on felony probation with a 10-35-search condition, which allowed the complainant to be searched without probable cause. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/07 **DATE OF COMPLETION:** 06/21/07 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant's allegation that the officer had a duty to search his associate is incorrect. Upon completing a record/warrant check on the complainant's associate, it was discovered that unlike the complainant, the associate had no warrants, stay-away orders and was not on probation or parole. Based on the aforementioned facts, the officer admonished her and told her to leave. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/07 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:05/26/06 **DATE OF COMPLETION:** 06/19/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was just driving in the neighborhood when the officers detained him at gunpoint without justification. The officers stated they relied on the information from other officers who reported the complainant fled from them, which is a taught behavior frequently associated with assaults on police officers and due to such heightened risk they detained the complainant at gunpoint. Other witness officers on scene stated they saw the complainant drive his vehicle at a high rate of speed in a reckless manner in a residential area and due to the high number of incidents related to gang violence and shootings in the area they sought the plainclothes officers' assistance who detained the complainant first to investigate his behavior. There were no other witnesses to either prove or disprove the allegation. The preponderance of the evidence established that the officer's actions were lawful and proper.

SUMMARY OF ALLEGATION # 3-4: The officers damaged the complainant's property during his detention.

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

FINDINGS OF FACT: The complainant stated the officers pulled him out of his vehicle during the detention, which prevented him from putting the vehicle in gear or applying the emergency brake. Consequently, the complainant said his vehicle rolled downhill colliding against a tree. The complainant also stated that his watch and two cell phones in his pockets were damaged as a result of being thrown to the ground by the detaining officers. The officers and three other officer witnesses on scene denied the allegation that the vehicle collided against a tree. One witness denied the complainant was thrown to the pavement; whereas, two other witnesses on scene could not verify or deny it. There were no other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT:05/26/06 **DATE OF COMPLETION:** 06/19/07 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #5-6: The officers used excessive force during the detention.

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

FINDINGS OF FACT: The complainant stated a plainclothes officer pulled him out of his vehicle, which prevented the complainant from applying the emergency brake so the driver's door knocked him to the ground. The complainant also said that while on the ground, two plainclothes officers turned him around, and threw him face down on the ground. One witness officer on scene denied the allegation and two other witness officers could not verify or deny the allegation. There were no other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7-8: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was detained, pulled out of his vehicle, and handcuffed under the incorrect presumption that he was attempting to flee from the police. The officers denied the allegation and stated that the complainant disregarded their commands to move away from the vehicle and raised their apprehension when the complainant jumped back into the vehicle and was dragged by the car before the complainant could be handcuffed. Other witness officers on scene were unable to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:05/26/06 **DATE OF COMPLETION:** 06/19/07 **PAGE# 3 of 3**

SUMMARY OF OCC ADDED ALLEGATION #1-2: The officers failed to document the use of force in the Incident Report.

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

FINDINGS OF FACT: The complainant said the officers who pulled him out of the car and later threw him face down on the pavement caused his scrapes and bruises. The officers and one witness officer on scene denied the allegation, and stated that the complainant himself caused any injury he sustained while attempting to stop his car and getting dragged by it. Two other witness officers on scene could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant alleged that an officer hung up the phone on him twice. The complainant was unable to identify the officer. A poll was sent to the station with negative results. The officer could not be identified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/07 **DATE OF COMPLETION:** 06/26/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 22, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer damaged property.

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

FINDINGS OF FACT: The claimant is not interested in filing a complaint against SFPD officers.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer damaged property.

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

FINDINGS OF FACT: The citizen does not want to pursue a complaint against the officers.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The claimant's rental car was parked and unattended in an alley when a patrol car driven by the named officer backed into it, causing damage. A representative of the claimant filed a claim with the city seeking compensation for the damage. The claimant stated that she did not wish to pursue a complaint against the involved officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/06 **DATE OF COMPLETION:** 06/19/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was the victim of an aggravated assault while reporting criminal activity on the street to a 911 dispatcher. The complainant said the responding officers made comments and behaved inappropriately while receiving information from him about the suspect who was on sight. The officers denied the allegation and stated they attempted to get the complainant medically assessed by paramedics on scene, but that the complainant refused and walked away. Two San Francisco Fire Department paramedics dispatched denied any contact with the complainant, and stated their call appears to have been cancelled by San Francisco Police Department headquarters before their arrival on scene. Therefore, the paramedics prepared a blank patient chart for this response. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said he pointed out the suspect who assaulted him to the officers and they neglected their duties by failing to chase the suspect, and refused to let him ride in their patrol car to locate and identify him. The officers denied the allegation and stated there was no suspect on sight, but that they broadcasted the description provided by the complainant. The officers also stated they explained to the complainant that their priority was to get his bleeding head injury assessed by paramedics who were nearby. Two San Fire Department paramedics dispatched denied any contact with the complainant, and stated that their call appears to have been cancelled by San Francisco Police Department headquarters before their arrival on scene. Therefore, the paramedics prepared a blank patient chart for this response. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/07 **DATE OF COMPLETION:** 06/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 19, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/09/06 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant claimed that the officers delayed their response to the call for police assistance, although she was not present at the scene at the time of this incident. However, the Communications records showed that the first unit arrived on the scene in less than two minutes after the emergency call for police assistance. The evidence showed that the officers promptly responded to the scene.

SUMMARY OF ALLEGATIONS #3-5: The officers failed to take required actions.

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

FINDINGS OF FACT: The complainant claimed that the officers failed to investigate a break into her house by the former tenant. The complainant was not present at the time of the incident but relied on the information from her current tenant. All three involved members stated that they, in fact, spoke with the potential suspect (former tenant) and the reportee (current tenant) at the scene and their examination of the property showed no signs of forced entry or damage to the building. In his Office of Citizen Complaints interview, the complainant's tenant, who was present during this incident, in essence, corroborate those officers' actions taken at the scene. A preponderance of the evidence established that, given the circumstances of this incident, the responding officers took all reasonably necessary investigative actions.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/09/06 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #6-8: The officers failed to write a report.

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

FINDINGS OF FACT: The complainant asserted that the officers failed to document a break-in into her house by the former tenant in a police report. The complainant was not present at the time of the incident but based her allegation on the information from her current tenant. All three involved members stated that their preliminary investigation at the scene showed that no crime had been committed and, therefore no report was warranted. In his Office of Citizen Complaints interview, the tenant who informed the complainant about this incident, in essence, corroborated the officers' statements regarding their investigation of the incident. He also stated that, at the time, he did not believe he asked them to write a police report. Given specific circumstances of this incident, the officers' decision not to generate a written report regarding the incident was proper and within the Department policy.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/07 **DATE OF COMPLETION:** 06/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The San Francisco Traffic Offender Program (S.T.O.P) guidelines specifically state that a person in possession of a driver's license that is more than 30 days expired is considered to have an invalid license and the vehicle is to be towed. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer made a statement to the effect of "knowing that the complainant's sister was a police officer." The officer denied the allegation, stating he never made any comments regarding the complainant's sister being a San Francisco Police Department officer. The officer said the witness/employee repeatedly asked him if he knew the complainant. The witness/employee did not corroborate the complainant's allegation. The witness/employee said the officer might have said he knew the complainant's sister. The complainant was not present during the contact and acknowledged that the alleged comment was hearsay. There is insufficient evidence to show any credibility to the alleged statement.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/07 **DATE OF COMPLETION:** 06/18/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has already been filed with the California Department of Corrections and Rehabilitation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant said the officers refused to write a police report. The officers denied that allegation. Two law enforcement officers from another agency were not able to hear the conversation between the police officers and the complainant but said it was brief. The complainant's brother did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers intimidated the complainant's witnesses so that they would not give their contact information to the complainant. The complainant said that the officers accused her of faking her disability. The complainant also said that the officers told the building security to never let her inside and officers told her never to call 911 again. The officers denied the allegation. Two enforcement officers from another agency stated that they spoke to the witnesses and no one corroborated what the complainant was alleging. The witness officers also stated that the complainant claimed that she was unable to move her arms however when they spoke to witness, they were told the complainant was flailing her arms. The witness officers did not hear the conversation between the officers and complainant. The complainant's brother did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #5: The officer misused police authority.

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

FINDINGS OF FACT: The complainant stated that the officers told the paramedics that the complainant was faking and therefore she did not receive medical treatment. The officer denied the allegation. One witness recalled speaking to the paramedics and basically telling them that the complainant claimed not to be able to move her arms but witnesses saw her move her arms. The witness said the paramedics left without the complainant. The complainant's brother did not respond to Office of Citizens Complaints requests for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/07 **DATE OF COMPLETION:** 06/18/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/07 **DATE OF COMPLETION:** 06/18/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/07 **DATE OF COMPLETION:** 06/25/07 **PAGE#** 1 of 1

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

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

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

Lake Elsinore Police Department/ Sheriff's Station
333 Limited Avenue
Lake Elsinore, CA 92530

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/07 **DATE OF COMPLETION:** 06/25/07 **PAGE # 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/06 **DATE OF COMPLETION:** 06/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said she asked the officer to prepare an Incident Report. The officers' job at this corridor are not to take reports and conduct criminal investigations of disputes with club employees, but to support their efforts to remove intoxicated patrons who are notoriously unwilling to leave the area. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/06 **DATE OF COMPLETION:** 06/12/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer issued a 72-hour warning without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer issued a 72-hour written warning to him to move his vehicle without justification. He stated in his taped interview that the officer had no justification in providing this notice, because he had moved his vehicle from the block in question due to street sweeping requirements prior to the date of the issued warning. The officer denied the allegation. There were no witnesses. The evidence failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers took retaliatory action.

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

FINDINGS OF FACT: The complainant alleged that the officers had a revenge motive against him following one of the officer's issuance of a 72-hour warning to move his vehicle. The complainant had filed a cause of action against the both named officers regarding a previous police action in which he and the officers had some contact. The officers both denied the allegation. There were no witnesses. The evidence failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/06 **DATE OF COMPLETION:** 06/12/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that he telephoned a district station, requesting to speak to the officer in charge. The complainant stated that the officer on station duty informed him that there was no one available to speak to him and that the officer in charge did not have voice mail. The complainant alleged that the officer who provided him with this information misrepresented the truth. There were no witnesses to this conversation. The evidence failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated he wanted the suspect arrested but the officers let him go. The officers stated that they did not recall the incident. The CAD indicates that police action was refused and one party left the hotel. One witness did not independently recall the incident and did not know what the officers said to the complainant. There were no other witnesses as to the officers' contact with the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers failed to write a report.

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

FINDINGS OF FACT: The complainant stated the officers did not write a report after he told them that he was the victim and had let the suspect go. The officers denied the allegation. One witness did not recall the incident but knows that the officers did not speak with him. Another witness did not respond for an interview. The CAD documents that the complainant refused police action. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #5-6: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers told him to “shut-up”. The officers denied the allegation. One witness did not recall the incident but knows that the officers did not speak with him. Another witness did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to provide requested information.

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

FINDINGS OF FACT: The complainant stated he called the station to request the names of the officers who had responded to his address but the officer did not give him any information. The complainant did not know whom he spoke with when he called the station. There is insufficient evidence to determine whether or not the officer who answered the phone had information to be able to identify the officers who had responded to the complainant’s address.

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

SUMMARY OF ALLEGATION #1: The officers inappropriately attempted to contact an individual rather than the individual's attorney.

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

FINDINGS OF FACT: The complainant, an attorney, stated that, despite her repeated admonishments to senior officers, officers continued to attempt to have contact with the complainant's client. SFPD records disclosed that, at the time of the officers' attempts to contact the complainant's client, the client was a suspect-at-large in a felony assault with a deadly weapon. Retaining an attorney does not shield a felony suspect at large from police attempts to arrest and/or serve legal process on the suspect. The officers properly responded to the client's residence several times in a lawful attempt to arrest her and serve her with an EPO.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/06 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated the officer told him he would do everything in his power to convict him of the crime. The officer denied the allegation, stating he advised the complainant he would do everything within his power to bring the case to court. The captain said numerous complaints were made by concerned merchants, business owners, and concerned citizens regarding the extraordinary burglaries within the garage facility. The officer said he has a duty to detect crime, prevent crime, and to maintain public order. The witness officers denied hearing the officer make the statement. Both witness officers said the officer remained professional during the contact with the complainant. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer acknowledged that he told the complainant's wife and mother-in-law that the complainant had been arrested and had admitted his drug use. The witness officer corroborated that the complainant told the officer about his drug use. Per DGO 3.16, the officer has the authority to release facts surrounding the arrest. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 08/21/06 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #3: The officer made inappropriate and intimidating comments

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not tell the co-complainant that he would like to do this the nice way or get a warrant and come back kicking down her door. The officer said he informed the co-complainant that if he received permission to search the residence, a search warrant is not necessary and it's easier to search with consent. The witness officer did not hear the officer make the comment. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating there was sufficient and probable cause to arrest the complainant for trespassing, auto burglary, and for possession of marijuana. The arrest of the complainant was based on the eyewitness account of a burglary the day prior, with a description matching the complainant, his vehicle and license plate number, a theft report taken by the garage personnel, and the marijuana found during the tow inventory. A witness corroborated that the complainant had been told to leave the parking garage and to not return on 10/24/2006. The same witness signed the Citizen's Arrest form to place the complainant under arrest for the trespassing. The witness officers and another officer corroborated that sufficient and probable cause existed to make the arrest. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/06 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #5: The officer authorized the complainant's vehicle be towed without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant's vehicle was towed under the authority of the vehicle Code 22651(h)(1). The complainant was under arrest and his truck was blocking a traffic lane. The witness officers corroborated the authority of the tow. 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 #6: The officer unlawfully searched the residence of the complainants.

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

FINDINGS OF FACT: The officer denied intimidating or coercing the co-complainant into a consent search of her home. The officer acknowledged that the complainant denied consent to search his residence from the holding facility at Southern station. However, the officer stated the co-complainant and her mother willingly complied with the search of their homes (in another county) for stolen property and drugs during his follow-up investigation. Both the co-complainant and the witness said they allowed the officer to come into their homes, though they felt intimidated. One witness officer recalled the co-complainant giving the officer consent to search her home by saying something to the effect of "Go ahead." Another witness officer said the conversation between the officer and the co-complainant seemed pleasant. The same witness officer stated the co-complainant used her key to open her door and he did not hear the co-complainant object to the search of her home. One neighbor witness said the conversation between the officer and the co-complainant appeared to be peaceful. Another neighbor witness said from what she witnessed, the officers conducted themselves in a professional manner. In regards to the complainant denying consent to search while in custody. In *Georgia v. Randolph* (March 22, 2006)_U.S._, the ruling clearly states *an objection from an absent co-tenant may be ignored*, as long as the objecting co-tenant is not led away from the residence for the purpose of justifying an entry into that residence. The co-complainant and the witness had the authority and the control of the residence to give consent to search. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/06 **DATE OF COMPLETION:** 06/04/07 **PAGE# 4 of 5**

SUMMARY OF ALLEGATION #7: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant was not read his Miranda Rights because he did not ask the complainant pertinent questions relative to his arrest. A witness officer said named was informal while speaking to the complainant and asked the complainant questions about other auto burglaries at the garage and his family life. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: The officer denied the allegation, stating in regards to the Incident Report he did not make the comments of not having to give the complainant shit. The officer said he told the complainant that he could not give him a copy of the report because the case was still pending. He advised him to contact the records room for the report, and the records department would have to sanitize the report. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/06 **DATE OF COMPLETION:** 06/04/07 **PAGE# 5 of 5**

OCC ADDED SUMMARY OF ALLEGATION #1: The inspector failed to notify an outside agency of a follow-up investigation.

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

FINDINGS OF FACT: The officer denied the allegation, stating he made contact with an outside law enforcement agency dispatch via personal cell phone, prior to arriving at the location in another city. The officer said dispatch advised him they did not have enough patrol units to provide a standby unit. A witness officer said the named member informed them by cell phone that he made contact with the other law enforcement agency dispatch of their presence in the city. Another witness officer stated the officer informed him that he had notified the outside agency that they were coming into their city for an investigation. The same witness officer recalled the officer saying the outside agency did not intend to respond. During the Office of Citizen Complaints investigation, dispatch advised they could not locate a record of the call by the officer on their recorded phone lines. The dispatcher explained the call could have been over an unrecorded line, or dispatch could have transferred the call to the watch commander or the staff supervisor on duty. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/06 **DATE OF COMPLETION:** 06/25/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The officer acknowledged listening to a taped telephone call between the complainant and his jailed client. The officer stated that he was directed to do so by an Assistant U.S. Attorney, for whom he was conducting an investigation. The officer stated he was not informed by the Department or by the Assistant U.S. Attorney that listening to the taped telephone call was a violation of Penal Code §636(a.) This matter is being forwarded to the Department as a Training Failure.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/06 **DATE OF COMPLETION:** 06/05/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he adhered to Department General Orders in arresting the complainant. The officer said a Citizen's Arrest form was signed by the victim against the complainant. The witness said the complainant was very intoxicated and attempted to damage and destroy the property. The witness officers corroborated the level of intoxication and aggressive demeanor of the complainant. The dispatch audio corroborated the account of the witness and the officers. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he followed the procedures of Department General Orders in making a Citizen's Arrest. The named officer gathered a statement from the victim, prepared the Citizens Arrest Form and took digital photos of the damaged property. An ambulance was called for the complainant by assisting officers. The officer was unsuccessful in gathering a full statement from the complainant due to his slurred speech and incoherent demeanor. The witness officers corroborated that the named officer properly investigated the incident. The witness said the officers absolutely handled the situation appropriately and he was glad the officers were there. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/22/06 **DATE OF COMPLETION:** 06/05/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not ask the complainant about his current medications. The witness officers said they did not hear the officer ask the complainant about his medication. Based on the San Francisco Fire Department patient care report, it is apparent that the EMT inquired and noted five medications taken by the complainant for medical purposes. The evidence proved that the named member was not involved in the acts alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1, #2: The officers improperly entered a residence.

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

FINDINGS OF FACT: The complainant and the co-complainant gave conflicting accounts of officers' entry of the residence. Additionally, both stated the incident occurred at 1:00A.M.while department dispatch records and interviews with five responding officers and another witness indicated the incident occurred the previous day at 5:30 P.M. The officers denied the allegations, stating that the complainant met them at the door, said he was about to call the police, and invited them into his home. One witness said she was not present when the police entered the residence. Another witness failed to respond to several efforts to obtain an interview. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that officers slammed him against the wall, kned him and then threw him handcuffed into a chair. The co-complainant said she did not see the initial contact, but that she did observe the complainant being forced to sit down. The named officer and one witness officer denied the allegation, stating the named officer forced the agitated and aggressive complainant to sit down for officer and public safety. One witness who was in the apartment did not see the contact but heard the officer tell the complainant to sit down several times. There were no other witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/27/06 **DATE OF COMPLETION:** 06/12/07 **PAGE # 2 of 3**

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

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

FINDINGS OF FACT: The named and a witness officer denied the allegation. Two witnesses who were in the apartment said they did not see the handcuffing and what led to it. There were no other witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5, 6: The officers made inappropriate comments and displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant and co-complainant gave conflicting accounts of what was said. The named officers and three witness officers denied the allegations. One witness said she did not hear the entire contact the named officers had with the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/27/06 **DATE OF COMPLETION:** 06/12/07 **PAGE # 3 of 3**

SUMMARY OF ALLEGATION #7: The officer failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant and the co-complainant stated that several officers ignored the complainant's requests that a citizen's arrest be made. Department records of the incident contained a Citizen's Arrest form, apparently signed by the complainant and received by the named officer. The evidence proved that the acts that provided the basis of the complaint occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #8: The officer searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered his room, searched it for a blank gun over his objections and said he eventually told the officers where it was. The co-complainant gave a conflicting account, but acknowledged the complainant eventually told her to show the officers where the gun was. The named officer denied the allegation, saying he entered the complainant's room to search for a gun only after the complainant instructed the co-complainant to show him where the gun was. One witness stated that she did not see the officers find the gun. Three witness officers said they did not see the search or did not recall the circumstances of the search. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/01/06 **DATE OF COMPLETION:** 06/13/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer 's behavior was inappropriate

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

FINDINGS OF FACT: The complainant stated the officer was smoking marijuana. The investigation was unable to establish the identity of the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/05/06 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated his vehicle was stolen and recovered. The complainant stated he went to the police station and attempted to obtain a release of his vehicle. The complainant stated the officer refused to release his vehicle unless he had proof of ownership. The complainant admitted he did not have nor provided proof of ownership of the vehicle to the officer. The identity of the officer has not been determined. There were no witnesses at this time. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/23/06 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the traffic report written by the officers were a cover up. The complainant stated the officers were protecting the other driver in the report. The officers stated the traffic report was not inaccurate or a cover up in any way. The officers stated the traffic investigations report was investigated by one of their own that was trained in investigating and writing traffic reports. The officers stated the investigating officer was not related to one of the drivers in the traffic accident. San Francisco Police Department records indicated there were no other traffic officers or officers available in the area due to a critical incident. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant stated that the officer pulled him over for no legitimate reason using emergency lights and siren. The officer stated that he never activated his emergency light or siren and he did not stop the car driven by the complainant. According to the officer, his interaction with the complainant took place when they both stopped for several seconds at the "Stop" sign. No witnesses came forward. The communications records were inconclusive to determine whether the alleged traffic stop took place. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: 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 stopped him only because of his race. The officer stated that the complainant race played no role in this incident. No witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied making the alleged comments. No witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profane language.

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

FINDINGS OF FACT: The officer denied using profanity during this incident. No witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with the Department Policy on E585 Data Collection.

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

FINDINGS OF FACT: This Department policy requires officers to document in a specific format all traffic stops they conduct in the performance of their duties. The officer stated that he did not make the alleged traffic stop of the complainant's car and therefore no documentation was necessary. The Communications records were inconclusive to determine whether, in fact, the alleged traffic stop took place. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/21/05 **DATE OF COMPLETION:** 06/19/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officer pulled him over without justification. The officer denied the allegation, stating he had a recent contact with the complainant whereby the officer stated he had previous knowledge of the complainant's expired driver's license status. The Office of Citizen Complaints conducted its own investigation. The named officer was deployed with a member of another law enforcement jurisdiction when the incident occurred. The Office of Citizen Complaints reviewed the Computer Aided Dispatch audio transcript, demonstrating that the officer's alleged knowledge of the complainant's previously expired driver license. The dispatch audio transcript failed to provide the officer with independent confirmation of the complainant's allegedly invalid driver license. The officer did not articulate in his Office of Citizen Complaints interview, in his Incident Report or while he was stopping the complainant, what *specific* previous contact he had with the complainant that provided him with actual knowledge of the complaint's expired driver license status, or how he knew the complainant's license was expired. The Office of Citizen Complaints interviewed the law enforcement officer who drove the named officer on the joint law enforcement operation on the date of the incident. That witness recalled the contact. He said the officer did not recall what, if any basis, the officer had for his previous knowledge of the complaint's expired license status. The complainant's vehicle registration was valid on its face. The officer lacked sufficient reasonable suspicion to detain the complainant for the traffic stop. The department general orders require articulable, beyond a valid guess or hunch in order to conduct an investigative stop. 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 arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged that he had a valid driver license on file with the California Department of Motor Vehicles and alleged that he was improperly arrested for an expired driver license. The officer denied the allegation, stating that the complainant drove on an expired driver license. The officer's arrest of the complainant stemmed from an invalid investigative stop. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 10/21/05 **DATE OF COMPLETION:** 06/19/07 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officer wrongfully searched his vehicle. The officer denied the allegation. The Office of Citizen Complaints found that the officer's search of the complainant's vehicle stemmed from his improper investigative stop of the complainant's vehicle. The officer failed to articulate with specificity his reasonable suspicion for his investigative traffic stop of the complainant. 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# 4: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer had his vehicle towed without reason. The officer denied the allegation, stating he was towing the vehicle, as required by the San Francisco Traffic Offender (STOP) Program. The Office of Citizen Complaints found that the tow of the complainant's vehicle stemmed from his improper investigative stop of the complainant's vehicle. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION# 5: The officer conducted himself in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged that the officer suddenly and inappropriately confiscated his property, causing him to lose important papers, including his temporary driver license, and dropping his telephone. The officer denied the allegation, stating that the complainant did not have his wallet in an easy to reach location. The officer stated that the complainant first reached for a non-wallet item, which caused him to fear for his safety. The item turned out to be a cellular phone, a non-conforming item in the officer's quest for documentation during a traffic stop. The complainant and the officer's statements differ as to what occurred afterward. According to the officer, the witness was out of earshot. The complainant did not make a statement regarding the proximity of the witness. The witness had no recollection of this aspect of the incident, stating he was at the rear of the complainant's vehicle when the investigative stop occurred. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant alleged the officer should not have cited his vehicle to begin with. The officer denied the allegation. The Office of Citizen Complaints found that the officer's citation of the complainant's vehicle stemmed from a detention where the officer failed to articulate his reasonable suspicion for the detention of the complainant. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 11/15/06 **DATE OF COMPLETION:** 06/19/07 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the named officer made numerous comments dissuading her from filing charges against an attacker. The named officer denied making any of the alleged comments. One witness officer said he did not hear the conversations. One witness said he heard the officer offer the complainant a citizen's arrest and said the complainant declined to pursue this course. Another witness said he did not hear conversations between the parties and the named officer. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to write an Incident Report.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he did not recall being presented with any evidence of domestic violence, and thus no Incident Report was required. The complainant, who was not in a domestic relationship with her attacker, reported a simple battery, but declined a citizen's arrest. A witness said he reported being attacked by his wife, but there were no witnesses to his comments. There is insufficient evidence to either prove or disprove the allegation.

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

SUMMARY OF ALLEGATION #1: The officer failed to conduct a fair and unbiased investigation.

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

FINDINGS OF FACT: The officer denied the allegation. There is no evidence that the officer conducted an unfair or biased investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/01/06 **DATE OF COMPLETION:** 06/04/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The Office of Citizen Complaints made numerous contacts to the complainant by mail and by phone, with no response from the complainant. No other witnesses came forward. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/13/06 **DATE OF COMPLETION:** 06/11/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to write an Incident Report. The officer denied the allegation. Department records show that the officer generated an electronic record of the traffic collision and obtained a case number. Department records show that the officer did prepare an Incident Report.

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

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

FINDINGS OF FACT: The evidence proved that the act by the member was justified by Department policy, procedure, or regulation; however, the OCC recommends a change in the particular policy, procedure or regulation.

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DATE OF COMPLAINT: 10/12/05 **DATE OF COMPLETION:** 07/21/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer wrongfully issued a citation.

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

FINDINGS OF FACT: The complainant admitted he made a lane change due to a double-parked vehicle. The complainant stated he should not have been given a citation. The complainant stated he had no choice but to go around a vehicle. The officer stated he observed the complainant make two unsafe lane changes and cited him accordingly. There were no witnesses that provided a statement at this time. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer made fun of his driver's license regarding his driving age. The complainant stated the officer lied to him. The complainant stated the officer told him he was going to cite him on a different traffic violation code. The officer stated he told the complainant that he was cited for CA Vehicle Code 2158(a) an unsafe lane change. There were no witnesses that provided a statement at this time. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/15/06 **DATE OF COMPLETION:** 06/05/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The co-complainant said he was a by-stander to an incident where he said he saw officers using unnecessary force. The complainant said an officer approached him and began asking him questions that resulted in his detention. The complainant said he had an outstanding arrest warrant. The officer said the complainant was detained after he admitted that he was on probation. A query of the complainant revealed a search condition and arrest warrant. The officer stated he had prior contact with the co-complainant. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The co-complainants stated the officer had no reason to arrest them. The officers said one co-complainant was intoxicated and the other co-complainant interfered with the arrest. Witness officers corroborated one of the arresting officer's statement. Other witnesses did not respond to the OCC's requests for an interview. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/15/06 **DATE OF COMPLETION:** 06/05/07 **PAGE# 2 of 3**

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

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

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

SUMMARY OF ALLEGATIONS #5-8:The officers used unnecessary force.

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

FINDINGS OF FACT: The officers denied using or witnessing any unnecessary force during the arrest or at the station. The co-complainant said he observed officers using unnecessary force against at least one man they were taking into custody. Other officers denied using or witnessing any officer use unnecessary force either at the scene or at the station. The co-complainant was admittedly confrontational with the arresting officer because he said the officer was rude and had no basis to take him into custody, therefore, he resisted the officer's attempts to arrest him. There is conflicting evidence surrounding this allegation therefore a definitive finding cannot be reached. The investigation was unable to identify any other officer as having been physically involved in the arrest.

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DATE OF COMPLAINT: 12/15/06 **DATE OF COMPLETION:** 06/05/07 **PAGE# 3 of 3**

SUMMARY OF ALLEGATIONS #9 -10:The officers made inappropriate comments.

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

FINDINGS OF FACT: The officer denied making the alleged comments. Other officers at the scene denied making or hearing the alleged comments. The investigation was unable to identify the officer who made one of the alleged comments. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer interfered with the co-complainant's rights as bystander.

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

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

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DATE OF COMPLAINT: 12/26/07 **DATE OF COMPLETION:** 06/27/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer exhibited inappropriate behavior

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

FINDINGS OF FACT: The complainant stated the officer had him sign a citation, but the citation contained an error, so he asked the officer to re-issue the citation. The complainant said the officer added another violation because he told him he had to re-issue the same citation. The officer denied the allegation. There is insufficient evidence 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 he asked the officer to do something about the homeless people that were sleeping in front of the business however, the officer gave him a funny look and the officer told him that when he has a chance he would get to it. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/05/07 **DATE OF COMPLETION:** 06/19/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers exhibited an inappropriate and intimidating manner.

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

FINDINGS OF FACT: The complainant stated in her OCC narrative that the officers intimidated her client. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers handcuffed the complainant's client without justification.

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

FINDINGS OF FACT: The complainant never responded for an interview but stated in her OCC narrative that her client was handcuffed. The complainant's client was detained for a mental health detention. The client was handcuffed and transported consistent with department policy.

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DATE OF COMPLAINT: 01/25/07 **DATE OF COMPLETION:** 06/12/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: One officer said he observed the complainant commit a traffic violation. The second officer said the complainant was driving in a suspicious manner. The complainant denied the above. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer said the complainant consented to the search. The complainant denied consenting to the search. The witness officer did not hear whether or not the complainant consented. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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DATE OF COMPLAINT: 01/25/07 **DATE OF COMPLETION:** 06/12/07 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The officer said the complainant consented to the search. The complainant denied consenting to the search. The witness officer did not hear whether or not the complainant consented. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS 5 and 6: The officers made inappropriate comments.

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

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

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DATE OF COMPLAINT: 02/01/07 **DATE OF COMPLETION:** 06/14/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that a SFPD officer detained him at the San Francisco Airport without justification. The complainant was a limousine driver who had allegedly parked illegally at a local airline's location. The officer denied the allegation, stating that the complainant did not have proper documentation in his possession, failed to present it to a peace officer on demand as required by airport regulations and began to depart the scene.

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

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

FINDINGS OF FACT: The complainant stated that a SFPD officer cited him at the San Francisco Airport without justification. The complainant was a limousine driver who had allegedly parked illegally at a local airline's location. The officer denied the allegation, stating that the complainant had violated a number of airport-specific violations. The officer also stated that the complainant's limousine violated other California Vehicle Code sections. There were no witnesses.

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DATE OF COMPLAINT: 02/01/07 **DATE OF COMPLETION:** 06/14/07 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer used unnecessary force during the contact.

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

FINDINGS OF FACT: The complainant stated that a SFPD officer pushed him. The officer denied the allegation, as alleged stating that he "...placed his left hand on his chest and told him he was not going anywhere." There were no witnesses. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer issued an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated that the officer cited the incorrect vehicle, noting that the vehicle cited by the officer was not at the scene on the date of the incident complained of. The evidence show that the officer wrote the wrong VIN number on the citation. There is no dispute that the complainant when initially observed by the officer drove the vehicle to another location. The officer conducted a records query and obtained the VIN number of the only vehicle listed to the complainant. The officer cited the vehicle driven by the complainant that had no plates on it at the time he observed it. The officer's error does not rise to sustainable misconduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/07 **DATE OF COMPLETION:** 06/14/07 **PAGE#** 3 **of** 3

SUMMARY OF ALLEGATION #5: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer engaged in harassing behavior against him. The officer denied the allegation. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer failed to return the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the officer confiscated his airport identification, rendering it impossible for him to operate as a limousine driver at the airport. The officer denied the allegation, stating that he returned the identification to the complainant. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.