

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/07 **DATE OF COMPLETION:** 09/06/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: All the identified officers at the location of the arrest denied doing any of the alleged acts. There were no other witnesses. The incident report does not document that any of the alleged acts occurred. There is insufficient evidence to identify the officer who committed the alleged act therefore a definitive finding cannot be reached.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/01/07 **DATE OF COMPLETION:** 09/14/07 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated someone, possibly his girlfriend, set him up and altered evidence that was later used to convict him at the trial. The investigation revealed multiple San Francisco Police Department officers investigated the complainant's case and forwarded the investigation results to the District Attorney's office. The District Attorney prosecuted the case while the complainant either represented himself or had varied attorneys represent him. There is no reasonable or rational foundation or evidence to show that any member of the San Francisco Police Department altered or fabricated evidence. The evidence proved that the alleged act did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/02/07 **DATE OF COMPLETION:** 09/13/07 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1: The officer engaged in harassing behavior.

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

FINDINGS OF FACT: The complainant stated the officer harassed him by re-opening an old closed case, by re-naming the case a stalking case, by using the case to gain political advantage and by assigning the case to herself. The complainant also informed OCC that the officer assigned the case to herself pursuant to the District Attorney. The assistant District Attorney stated the officer was asked to review the case after it was returned to the local jurisdiction from the Federal Bureau of Investigation. The officer and the assistant District Attorney stated the case had never been closed but was assigned to General Works as a stalking case upon its return from the FBI. The officer and the assistant District Attorney denied the case was investigated or assigned to gain political benefit. The officer stated she investigated the case and presented her findings to the District Attorney's office which decided to prosecute the complainant. The case was taken to jury trial and the complainant was found guilty of the charge of felony stalking. The evidence shows that the officer acted properly and according to procedures and policy.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/07/07 **DATE OF COMPLETION:** 09/28/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complaint stated an officer used excessive force at the station. Despite several contact efforts by OCC, the complainant failed to provide additional requested information which included but was not limited to an interview regarding the complainant's contact with SFPD and a signed medical records release form. The case could not move forward without the cooperation of the complainant.

SUMMARY OF ALLEGATION #2:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/05/07 **DATE OF COMPLETION:** 09/28/07 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATION #1:The officer failed to follow proper procedure.

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

FINDINGS OF FACT: The conduct of the officer was within department policy.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/03/06 **DATE OF COMPLETION:** 09/21/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1 & 2: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that officers came to her home at the behest of Child Protective Services and said they wanted to enter her home to conduct a well-being check on her son . The complainant said the officers threatened to arrest her if she did not admit them, although she brought her seven-year old son to the entryway inside her locked gate so the officers could see him. Department records indicate that the named officers were dispatched to the complainant's home at the request of a Child Protective Services worker who was concerned about the well-being of the complainant's son, and who asked the officers to conduct a well-being check on the child. The complainant's seven-year old son stated he heard banging at the front gate, then heard his mother tell the officers to go away. The complainant's son said he heard the officers tell his mother that they needed to enter the house and ensure that he was healthy. He then heard his mother tell the officers that they had no right to enter their home without a warrant, then heard the officers say that if his mother did not open the door by the time their sergeant arrived, they were going to forcibly enter the house and arrest her. The named officers stated that the complainant repeatedly refused to let them into her house. They stated that the complainant would not allow them to explain why they needed to enter the house to check on her son's well-being by examining the living conditions and ensuring that he was not being coerced into the statements he made to them. The named officers stated that they told the complainant they would forcibly enter the house and arrest her for delaying and obstructing due to exigent circumstances only after she repeatedly refused their requests for entry. The named officers stated that two backup officers and a sergeant arrived on the scene and spoke to the complainant, who finally allowed the female backup officers to enter the home. Witness officers stated that the complainant spoke in a belligerent manner, contested the right of the officers to conduct a well-being check on her son and refused to allow officers to enter the home. The witness officers stated that the complainant eventually agreed to allow only the single female officer to enter the home, which the officers agreed to although it potentially jeopardized the female officer's safety. A member of the Department's Juvenile Bureau stated that in these circumstances, the responding officers were justified in conducting a search of the home to ensure the child's well-being, especially given the complainant's initial reluctance to speak to the officers. The evidence proved that given the totality of the circumstances, the named officers were justified in telling the complainant that they would forcibly enter the house and place her under arrest in order to conduct a thorough well-being check on her son, and that the action complained of was proper.

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SUMMARY OF ALLEGATION #3: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that officers came to her home at the behest of Child Protective Services and said they wanted to enter her home to conduct a well-being check on the complainant's son. The complainant stated that one of the officers kicked and damaged her front gate. The named officers denied that they damaged the complainant's gate. Three witness officers stated that they saw no damage to the complainant's gate. An OCC investigator observed no damage to the complainant's gate when she visited the complainant's home. 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: 04/25/07 **DATE OF COMPLETION:** 09/10/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant violently resisted when he attempted to handcuff the complainant. The officer stated he tried to control the complainant with verbal commands, control holds, and was then forced to take the complainant to the ground. Two witness officers corroborated the complainant was on the ground thrashing about and resisting the officer's attempts to gain control. The complainant admitted he was involved in a physical altercation with two roommates, used a hammer during the commission of the crime and fled the residence when the police were called. 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 #2-3: The officers used unnecessary force with tight handcuffs.

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

FINDINGS OF FACT: The officers denied the allegation, stating the complainant did not complain of pain from the handcuffs. The handcuffing officer stated he checked the handcuffs for tightness and double locked the handcuffs. The other officer and the sergeant at the scene stated the complainant did not complain of tight handcuffs to them. The complainant failed to provide medical information to OCC to corroborate any injury sustained from the handcuffs. The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #4: The officer failed to state reason for the arrest.

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

FINDINGS OF FACT: The complainant stated the officer failed to inform him of the charges for arrest. The complainant said he did not discover his arrest charges until he was informed by the public defender. The officer denied the allegation, stating he explained the reason for the detention to the complainant at the scene. Once the victims were interviewed and identified the complainant as the assailant, the officer explained the reason for the arrest and explained the charges. The complainant presented OCC with documentation regarding his charges and admitted he sent text messages while in the holding cell referencing his charges. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #5-6: The officers towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The officers denied the allegation, stating the complainant was arrested and his vehicle towed under the authority of Vehicle Code section 22651(h). The named officers said the vehicle was blocking the traffic lanes and there were no legal parking spaces available. The complainant corroborated he refused to release his vehicle to a friend. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #7: The officer caused property damage to the complainant's vehicle.

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

FINDINGS OF FACT: The officer denied the allegation, stating he drove the complainant's vehicle from the incident to the station, yet the officer said he did not cause any vehicle damage during the relocation. The on-scene supervisor corroborated she authorized the complainant's vehicle be driven from the scene to the police station for follow-up investigation. The complainant stated he is uncertain if the police officer caused the damage or whether the tow service caused the damage to his vehicle. 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: The officer made an inappropriate comment

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

FINDINGS OF FACT: The officer denied the allegation, stating he was unaware that the complainant previously turned in a weapon to the police department. The officer denied that he discussed this confidential information in front of the detained subjects. Both witness officers denied hearing the named officer discuss this information during the incident. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/08/07 **DATE OF COMPLETION:** 09/10/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer cited her without cause. The complainant stated she stopped behind a Muni Street car (LRV) and did not move forward until the LRV doors had closed whereupon she moved forward to the limit line. The officer stated she observed the complainant drive past the open doors of the LRV with yellow lights flashing to show the doors were open and persons boarding and exiting. The officer stated the complainant was cited for violation of CVC21756a which states in part that drivers passing an LRV shall stop until all persons have safely exited or boarded. The LRV was stopped at the intersection of 19th Avenue and Taraval Streets, a wide intersection notorious for auto accidents and pedestrian safety issues. The complainant stated she moved forward at 5-10 mph when the LRV's doors closed and then stopped for the red light at the intersection. By moving forward with the LRV still in a standing position and able to exit or board passengers (whether the doors were open or not) and before the light changed to green, the complainant violated the safety area of any person attempting to exit or board the LRV. The evidence showed the alleged act occurred, however the officer acted appropriately and lawfully pursuant to the policy and procedures of the SFPD.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/11/07 **DATE OF COMPLETION:** 09/12/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. A review of Department documents disclosed that the complainant was arrested when a suspect in a bank robbery was seen jumping into a vehicle the complainant was driving. Evidence of the robbery was found in the vehicle. The officers' actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the San Francisco Sheriff's Department.

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant alleged that the officer was rude because he asked the complainant why she always yells at the complainant, and because he asked to see a copy of her rental agreement. The officer denied being rude and stated that the complainant interfered with his investigation by loudly yelling her opinions. The officer stated after looking at the rental agreement he determined the dispute between the complainant and her tenants was civil in nature and advised the parties to attempt to mediate their dispute. One tenant stated she called the police because the complainant was always yelling at her and pushing her. This tenant stated the complainant yelled at the officer but the officer was very polite. Another tenant stated the complainant yelled at the officer and that the officer was never rude to the complainant. This tenant stated when the officer was leaving, the complainant ran after the officer yelling, "I'm gonna sue him!"

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant failed to respond to repeated contact attempts and failed to provide additional requested information. The investigation could not go forward without this information. No Finding could be reached.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/23/07 **DATE OF COMPLETION:** 09/06/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide required information.

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

FINDINGS OF FACT: The complainant stated the officer did not do a good job of explaining to the victim that her medical treatment would be provided at no charge if she didn't have medical insurance. The victim stated she got the medical bills taken care of by the Victim's Assistance Program based on the information she was given by the officer. The officer stated he provided all the relevant domestic violence information as well as advising the victim she could go to a shelter if needed. The evidence proved that the acts, which provided the basis of the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation. The victim and witnesses did not corroborate the complainant's allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 05/30/07 **DATE OF COMPLETION:** 09/06/07 **PAGE # 1 of 2**

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

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

FINDINGS OF FACT: The complainant alleged he stopped at an intersection but that he stopped significantly behind the limit line of the intersection, photos of which he provided. The named officer issued a citation for violating section 22450 of the California Vehicle Code. The Vehicle Code section dictates that “the driver shall stop at a limit line if marked.” The evidence indicated the limit line was marked at this intersection. There is insufficient evidence to either prove or disprove the allegation. There were no witnesses.

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

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant alleged the officers pulled and twisted his arm and rammed him headfirst into a wall. The officers denied the allegation. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officers detained the complainant who contends that he was not engaged in any criminal behavior. The officers stated that they saw the complainant hide suspected narcotics in a newspaper rack. A search of the complainant failed to locate the suspected narcotics. Once officers detained the complainant and conducted a warrant check, it was determined the complainant had an active warrant for which he was subsequently arrested. The evidence proved that the acts, which provided the basis for the allegation, occurred; however the propriety of the initial detention is suspect and there is insufficient evidence to justify the initial detention.

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SUMMARY OF ALLEGATIONS #5: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant alleged a twenty-dollar bill he had in his wallet was lost during the cursory search performed by the officer. The officer denied seeing or finding any money in the complainant's wallet. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6: The officer made inappropriate comments and used inappropriate behavior towards the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer told him the only reason he got arrested was because of his big mouth and taunted the complainant by asking him what was he going to do about it (the fact that he was arrested by the officer). The officer denied the allegation. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #7: The officer used sexually derogatory language towards the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer referred to him using sexually derisive language. 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 ALLEGATIONS #8: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity when speaking to 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.

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

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

FINDINGS OF FACT: The officer and his partner denied the allegation. The officer and his partner stated they cited the complainant for violating CVC 27007 regarding amplified noise/music heard over fifty feet from a vehicle. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation in the complaint.

SUMMARY OF ALLEGATION #2: The officer racially profiled the complainant.

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

FINDINGS OF FACT: The complainant stated the officer racially profiled him due to his race, location and vehicle. The officer and his partner denied the allegation. There is insufficient evidence to either prove or disprove the allegation in the complaint.

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SUMMARY OF ALLEGATION #3: The officer threatened to tow the complainant's vehicle.

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

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

SUMMARY OF ALLEGATION #4: The officer failed to return the complainant's property (California Drivers License).

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

FINDINGS OF FACT: The complainant stated the officer failed to return his license once the traffic stop was completed. The complainant stated he drove after the officer to get his license returned. The officer stated he inadvertently forgot to return the complainant's license when the traffic stop was completed. The officer stated he realized this within half block of the traffic stop. The officer stated he stopped his vehicle to return the license and the complainant drove the half block to the officers stopped vehicle whereupon the license was returned to the complainant with an apology. There were no independent witnesses to this action. There is insufficient evidence to determine whether the officer's action rose to a level of misconduct as the complainant suffered no hardship from the license not being immediately returned.

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SUMMARY OF ALLEGATION #1: The officer made an arrest without cause.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer admitted making the statement attributed to him. However, the statement was lawful and factual. The evidence shows that the act which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The named member stated that he cited the complainant for riding on a skateboard in the traffic lane in violation of Municipal Traffic Code. In his OCC interview, the complainant acknowledged that he was indeed doing just that. San Francisco Traffic Code Section 100 prohibits riding a skateboard on city streets. Given the complainant's admission, the officer's decision to issue him a citation for violation of TC Section 100 was proper and justified.

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

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

FINDINGS OF FACT: The complainant stated that during the traffic stop the officer acted in an inappropriate manner and made several comments that the complainant felt were inappropriate. The officer denied acting in the alleged manner. He acknowledged making the comments on the subjects mentioned by the complainant but articulated the reasons for such comments. There were no identifiable witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he detained the complainant for taking property that did not belong to him, a violation of California Penal Code section 485, and for being intoxicated in public, a violation of Penal Code section 647(f.) A City Inspector stated he called the police when he observed the complainant take City property without permission, and then refuse to return the property. The City Inspector stated the complainant “seemed to be under the influence of something.” An officer at the scene stated the complainant displayed objective signs of intoxication. The complainant acknowledged taking the property and stated he refused to return the property when asked to do so. The officer’s conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer stated he could not have been discourteous to the complainant because he did not have any contact with the complainant. Four officers at the scene stated they did not hear or see the officer behave discourteously with anyone. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer stated the complainant did not ask him for identification. Four officers at the scene stated they did not hear or see the complainant ask the officer for identification. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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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 stated that the officers had a duty to arrest the two suspects. Both officers stated the complainant and the two suspects provided three inconsistent versions of events, and the complainant did not want to make a citizen's arrest. One witness officer stated there were no witnesses to corroborate the versions of events provided by each party, and each party refused to sign citizen's arrest forms. A second witness officer stated each party provided a different version of events. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer denied threatening to arrest the complainant. He stated that the two suspects told him that they did not want to make a citizen's arrest on the complainant – unless the complainant made citizen's arrests on the two suspects. The officer stated he relayed this information to the complainant. The officer stated the complainant became angry and demanded to know if he was going to be arrested. The officer stated he explained to the complainant the procedures for making a citizen's arrest. None of the other officers at the scene heard the officer threaten to arrest the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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DATE OF COMPLAINT: 07/20/06 **DATE OF COMPLETION:** 09/25/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officer detained the complainant and an acquaintance without justification.

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

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

SUMMARY OF ALLEGATIONS #4-6: The officer cited an individual without justification.

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

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

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SUMMARY OF ALLEGATIONS #7-9: The officers harassed an individual.

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/27/07 **DATE OF COMPLETION:** 09/19/07 **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 officer denied this allegation. The sole witness was unavailable. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/29/07 **DATE OF COMPLETION:** 09/28/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses failed to corroborate the complainant's allegation against the officer. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/28/07 **DATE OF COMPLETION:** 09/12/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer should have asked him whether he wanted to press charges against a neighbor who allegedly assaulted the complainant. The complainant stated he did not tell the officer he wanted to press charges because he was “in shock” at the time. The officer, as well as the officer’s partner, stated the complainant told the officers he wanted no further police action. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant stated his neighbor assaulted him with a screwdriver and the officer failed to include this information in the incident report. The officer, as well as the officer’s partner, stated the complainant did not tell the officers that his neighbor assaulted him with a screwdriver. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/07 **DATE OF COMPLETION:** 09/21/07 **PAGE #1 of 1**

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

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

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

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

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

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

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

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged the officer behaved in an inappropriate manner when he acted belligerently towards her, refused to speak with her and refused to cite a vehicle blocking her driveway upon her request. The officer denied the allegation. The officer stated he refused to speak with the complainant only when it became clear the complainant was upset and argumentative and another officer contacted the complainant. A witness officer spoke with the complainant in an attempt to diffuse the situation. According to the officers and a witness, the named officer did nothing that could be deemed as disrespectful or inappropriate towards the complainant. The officers and the witness all stated it was the complainant who behaved inappropriately and belligerently. The complainant was upset the offending vehicle was not cited for blocking her driveway. However, according to DGO 9.01, officers have discretion when deciding whether or not to cite a vehicle. The vehicle was moved at the request of the officer without incident and therefore was not cited. 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
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DATE OF COMPLAINT: 07/16/07 **DATE OF COMPLETION:** 09/10/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and made inappropriate comments. Witnesses failed to corroborate the complainant's allegation against the officer. 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: 07/17/07 **DATE OF COMPLETION:** 09/21/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers stated the complainant was detained for committing battery on an officer. They stated that the complainant slammed his front door on one of the officers, striking the officer's right foot, right thigh, and right arm, a violation of Penal Code section 243(b.) There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he cited the complainant for committing battery on an officer. Four other officers stated the complainant slammed his front door on the officer, striking the officer's right foot, right thigh, and right arm, a violation of Penal Code section 243(b.) There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated an officer choked him until he lost consciousness. The officer denied this allegation. Five officers stated the officer did not choke the complainant, and the complainant never lost consciousness. A sixth officer stated he conducted a use-of-force investigation and found no misconduct. Paramedic records state the complainant did not lose consciousness. Hospital records state the complainant had no visible injuries other than a scraped knee. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer seized the complainant's medications.

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

FINDINGS OF FACT: All seven officers at the scene stated they did not seize the complainant's medications. The complainant did not see his medications taken and could not identify the officer(s) who allegedly seized his medication. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 07/17/07 **DATE OF COMPLETION:** 09/19/07 **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 complainant stated her vehicle is inoperable and is moved on a regular basis to avoid being towed or cited. The complainant stated that other vehicles in the immediate area that have not been moved in nearly a month were not towed. The complainant stated these vehicles should have been towed as well. The complainant received a notice that the car was towed for a 72-hour violation. The officer stated that he received a complaint from a citizen about the complainant's vehicle and placed a warning on her vehicle. The Department of Parking and Traffic provided a Notice of Storage to the complainant, stating the vehicle was towed for a 72-hour violation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/16/07 **DATE OF COMPLETION:** 09/13/07 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant said the officer made inappropriate comments and acted inappropriately during a traffic stop. The officer denied the allegation and stated he acted courteously and professionally during the stop. There were no witnesses to the contact. 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: 07/24/07 **DATE OF COMPLETION:** 09/12/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/25/07 **DATE OF COMPLETION:** 09/18/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-3: The officers failed to take the required action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 18, 2007.

SUMMARY OF ALLEGATION #4-6: The officers failed to process property properly.

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 September 18, 2007.

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DATE OF COMPLAINT: 07/26/07 **DATE OF COMPLETION:** 10/02/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers were rude and discourteous.

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 September 24, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/15/06 **DATE OF COMPLETION:** 09/06/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, who is a taxi driver, stated that after the officer cited him, he ordered him to leave the airport. The complainant acknowledged that the citation was legitimate. The officer stated that in conformance with Airport regulations, he banned the complainant from the airport for the remainder of the day after citing him. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer exhibited inappropriate behavior and made inappropriate comments. 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: 08/22/06 **DATE OF COMPLETION:** 09/06/07 **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 that the inspector investigating her son's assault failed to return her telephone calls. Department documents indicate that the inspector was on vacation during the month when the complainant telephoned him, but that he contacted her on the day of his return.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer stated he observed the complainant threaten, and then spit on, an 81 year-old woman. Prior to that, approximately twenty citizens expressed their concerns about the complaint during a community meeting. The citizens stated the complainant has assaulted their family members and friends. The officer stated that, before he saw the complainant spit on the elderly woman, he watched the complainant standing in doorways on a busy commercial street for over an hour, confronting women with young children by stepping out of the doorways and blocking their path. According to court and medical records, the complainant has a long history of this type of behavior. Following his arrest, he was detained for being a danger to himself and others under Welfare & Institutions Code section 5150. The officer's conduct was proper. The complainant was also the subject of a citizen arrest.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that while he was on the ground, the officer held the complainant's right arm and punched the complainant's torso with his left hand. The complainant stated the officer punched him because he tried to get up and defend himself. The complainant stated after he was handcuffed, the officer punched his back. According to jail and medical records, the complainant did not report this information, or complain of any injuries to medical personnel while hospitalized or while he was in custody. According to medical records, the complainant was not treated for any injuries incurred during his arrest. The officer stated he employed a Department-approved "arm-bar arrest technique" to take the complainant into custody. The complainant was placed on the ground for physical control and handcuffing. The officer denied punching the complainant. The officer stated the complainant was noncompliant and challenged the officer to fight. The officer stated the complainant threatened to kill him. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 08/28/06 **DATE OF COMPLETION:** 09/14/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers detained an individual without justification.

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

FINDINGS OF FACT: The complainant stated a family member was detained without justification. The complainant was not present at the incident. The family member did not respond to contact attempts. The officers denied the allegation, stating they had a consensual contact with the family member. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/15/07 **DATE OF COMPLETION:** 09/06/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause. The complainant stated he had a stay away order that had been modified in 2005 to allow him within 15 yards of a residence instead of the original 150 yards stay away. The complainant was requested to provide a copy of the modified stay away order but failed to do so. The officer had information that the complainant had a stay away order of 150 yards. A roller tape was used and the officer measured that the complainant was approximately 31 yards from the residence, thus violating the stay away order of 150 yards. The Superior Court was contacted and stated they could find no evidence of a modified stay away order. The evidence proved the allegation complained of did occur, however the action of the officer was proper and lawful based on department policies and procedures.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said he was issued a citation for failing to stop for a pedestrian. The complainant told the officer that his view of the pedestrian was blocked by another vehicle that also failed to stop for the pedestrian, and asked the officer to note this on the citation so he could inform the judge of this when he contested the ticket. The officer refused to make any notation about this on the citation. Department training and policies do not require officers issuing traffic citations to note potentially extenuating information on the citation. The action complained of was proper.

SUMMARY OF ALLEGATION #2: The officer threatened to arrest the complainant without cause.

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

FINDINGS OF FACT: The complainant said he was issued a traffic citation, the officer asked the complainant twice to sign the citation, and then threatened to arrest him if he did not sign the citation. The action complained of was proper.

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DATE OF COMPLAINT: 09/11/06 **DATE OF COMPLETION:** 09/12/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she hit her mouth on the patrol car while being taken into custody. The officer stated he did not press the complainant against the car to control her while he handcuffed her, but that he did not recall seeing her hit her mouth, nor did she complain of injury or pain. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/18/06 **DATE OF COMPLETION:** 09/06/07 **PAGE#** 1 of 2

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 for assaulting an individual who was visibly injured when officers arrived, and that the victim identified the complainant as his assailant. The victim of the assault confirmed this in an interview with the Office of Citizen Complaints. The named officers stated that they arrested the complainant for assault after the victim identified him. 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that while arresting him for assault, the officer used unnecessary force while handcuffing him and placing him inside a police car. The complainant acknowledged that he refused to get into the police car, and that while they were handcuffing him, the named officer told the complainant to stop resisting. The complainant admitted threatening and swinging a bottle at the victim, who then fell to his knees. The victim of the assault stated that the complainant struck him in the face with a bottle, causing him to bleed profusely. The named officer and his partner stated that the complainant resisted being handcuffed at the time of his arrest, kicked the back window of their patrol car while being transported to the police station, and resisted being removed from their patrol car when they arrived at the station. Communications records document that the named officer and his partner reported that the complainant was trying to kick out the window of their patrol car as this was happening. The complainant could not be contacted to sign a medical release that would have allowed the Office of Citizen Complaints to document the extent of any physical injuries he received. The evidence of the complainant's violent behavior before and after his arrest, his admission that the named officer told him to stop resisting while he was being handcuffed and that he refused to enter the police car indicate that under the circumstances, the force employed by the officer was justified. A preponderance of the evidence established that the action complained of was proper.

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DATE OF COMPLAINT: 09/18/06 **DATE OF COMPLETION:** 09/06/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #4: The officer failed to provide medical attention upon request.

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

FINDINGS OF FACT: The complainant stated that he requested medical attention at the police station but was told he would receive it at the jail. The complainant stated that paramedics who came to the station on another matter examined him and transported him to the hospital due to a pre-existing condition. The complainant stated that he had a small laceration on his forehead, which did not require medical attention. The evidence established that the complainant was provided with medical attention.

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that during his arrest, the officer used profanity. The named officer denied using profanity, and his partner denied that any profanity was used. Officers who responded as backup stated that they did not hear any profanity used. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 09/18/06 **DATE OF COMPLETION:** 09/10/07 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1-2: The officers detained an individual without justification.

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

FINDINGS OF FACT: The complainant stated that the named officers detained her juvenile grandson without justification. The complainant stated that her grandson and granddaughter had just gotten off the bus and were on their way home when two plain clothes officers detained them. The complainant's grandson carried a large backpack and duffel bag with him and wore a long sleeve dress shirt. The officers denied the allegation, stating they focused on the complainant's grandson because he allegedly fit the profile of persons perpetrating sales of counterfeit merchandise in the area, due to his proximity to a sports facility and his large bags. The complainant's grandson did not consent to speak to the officers and vocally expressed his lack of consent. The officers admitted that the complainant's grandson did not consent to the contact. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated that the named officer made inappropriate comments, frequently laced with profanity. The complainant stated that when her grandchildren were detained by the officer, her granddaughter called her from the scene via cellular phone to report that a male and female plain clothes officers had stopped and detained them. The complainant stated that she could hear the male officer shouting profane and inappropriate comments to her granddaughter during the time that she and her granddaughter had their telephonic conversation. The complainant heard her granddaughter ask the male officer a question regarding the ongoing police action. The male officer's response was "Shut the fuck up or I'll punch you in the face." Both witnesses overheard the officer's response and gave similar statements to the OCC. The officer denied the allegation. The officer's partner stated that he could have used profanity. When pressed for specifics, she claimed not to recall. The officer's partner stated that she declined to comment about her partner's personality. The officer admitted using profanity. 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: 09/18/06 **DATE OF COMPLETION:** 09/10/07 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #4-5: The officers failed to thoroughly investigate.

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

FINDINGS OF FACT: The complainant alleged the officers failed to thoroughly investigate such that they would have learned that the individual detained was not engaged in illegal activity. The officers denied the allegation. While the detention and arrest were both improper, the officers have some latitude as to how to conduct their investigations. The witnesses stated that they provided the officers with some clarifying information at the scene. It was unclear from witness statements and officer statements whether the officers could immediately investigate and/or act on the information the witnesses provided. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the named officer used unnecessary force in detaining her grandson. The complainant's grandson did not consent to the detention. The officer's use of force stemmed from an illegal detention. As a result, the officers should have released the individual when he failed to consent to the contact. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 09/18/06 **DATE OF COMPLETION:** 09/10/07 **PAGE#** 3 **of** 4

SUMMARY OF ALLEGATION #7-8: The officers arrested and cited the individual without cause.

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

FINDINGS OF FACT: The arrest and issuance of the citation occurred following an illegal detention. The officers should have released the individual when he failed to consent to the contact. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/06 **DATE OF COMPLETION:** 09/10/07 **PAGE#4 of 4**

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to report/record his use of force on an individual.

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

FINDINGS OF FACT: The officer's use of physical control on the individual stemmed from a flawed detention. The complainant alleged that the officer used his Yawara stick; the officer admitted drawing it but denied using it. Any use of the Yawara stick should have been reported as use of force, and on the Use of Force Log. There was insufficient evidence to prove or disprove the allegation made in the complaint regarding the officer's use of his Yawara stick.

SUMMARY OF OCC ADDED ALLEGATION #2-3: The officers failed to follow proper juvenile procedures, per DGO 7.01.

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

FINDINGS OF FACT: The date of the incident, as logged by the officers, was incorrect in both their incident report as well as the Secure Detention of Juveniles Log (SDJL). The officers dated their entries in the SDJL was two days later from the date of the incident complained of. The OCC concluded that the officers erred on the date by comparing the date of the SDJL, provided to the Agency by the SFPD Legal Division with the Computer Aided Dispatch Audio records provided to the agency by the Department of Emergency Communications. These could have been avoided, had these reports been entered into a common server through the Department's MIS System or a comparable modernized server with auditing capacity. There was no clear way of verifying if the officers did or did not follow proper juvenile procedures due to the manner and method that the current DGO is constructed and the way the SDJL is maintained. The evidence proved that the act by the member was justified by Departmental policy, procedure or regulation; however the OCC recommends a change in the particular policy procedure or regulation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/07 **DATE OF COMPLETION:** 09/21/07 **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 allegation raises matters outside OCC's jurisdiction. This allegation has been referred to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/07 **DATE OF COMPLETION:** 09/06/07 **PAGE # 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/07 **DATE OF COMPLETION:** 09/06/07 **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:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/07 **DATE OF COMPLETION:** 09/28/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she reported potential hate crime to an officer at the station but he did not take this report. The complainant could not provide sufficient identifying description of the involved officer and she did not respond to the OCC's requests for a photo line-up. The available evidence was insufficient to identify the officer responsible for the alleged misconduct and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she came to the station to file a report of a potential hate crime but the officer at the counter treated her in an inappropriate manner. The complainant could not provide sufficient identifying description of the involved officer and she did not respond to the OCC's requests for a photo line-up. The available evidence was insufficient to identify the officer responsible for the alleged misconduct and to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/07 **DATE OF COMPLETION:** 09/28/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The complainant raises matters outside of OCC's jurisdiction.

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

FINDINGS OF FACT: The evidence developed by the OCC indicated that the said allegation was outside of the OCC's jurisdiction. The complaint (in the relevant part) was referred to the SFPD MCD.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/07 **DATE OF COMPLETION:** 09/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated, the officer harassed her by telling her to move her double- parked vehicle. The complainant stated, the officer stopped his patrol car without getting out and told the complainant she would have to move her vehicle to a nearby yellow zone or a driveway. The complainant admitted she was double-parked. The complainant stated, the officer did not issue a citation nor was he rude to her when advising her to move. The officer simply advised the complainant she was in violation of the law and to move her vehicle. The complainant stated, she complied with the officer's advisement and moved her vehicle. The investigation showed the officer acted in an appropriate and lawful manner pursuant to San Francisco Police Department policies and procedures.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/06 **DATE OF COMPLETION:** 09/06/07 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer failed to identify himself as a police officer.

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

FINDINGS OF FACT: The officer denied the allegation, stated he identified himself verbally as a police officer to the complainant and displayed his star to her prior to her arrest. One witness on scene verified the manner in which the officer identified himself. Another witness observing from a significant distance could not prove or disprove the allegation. Other witnesses on scene did not respond to Office of Citizen Complaints requests for an interview. The preponderance of the evidence proves the officer identified himself to the complainant as a police officer.

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

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

FINDINGS OF FACT: The officer and two witnesses to the arrest denied the allegation and said the complainant was taken to the ground with a bear hug while she attempted to run away from the officer. Other witnesses on scene did not respond to Office of Citizen Complaints requests for an interview. County Jail medical records deny the presence of objective signs of trauma, swelling or bruising to her right cheekbone, ribs or wrists at the time she was medically evaluated. The preponderance of the evidence proves the officer did not use excessive force during the arrest.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/06 **DATE OF COMPLETION:**09/06/07 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant said the officer sat next to her in the back seat, repeatedly told her to shut up, and pulled her sweatshirt over her head during her transport. The officer and two other witnesses in the unmarked vehicle denied the officer was in the back seat or pulled the sweatshirt over the complainant's head. Another witness inside the unmarked vehicle did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used excessive force while in custody.

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

FINDINGS OF FACT: The complainant said the officer elbowed her right cheekbone while being transported handcuffed to the police station. The officer and two other witnesses in the unmarked vehicle denied the officer was in the back seat with the complainant. Another witness inside the unmarked vehicle did not respond to Office of Citizen Complaints requests for an interview. County Jail medical records deny the presence of objective signs of trauma, swelling or bruising to her right cheekbone at the time she was medically evaluated. The preponderance of the evidence established the officer did not injure the complainant during her transport.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/06 **DATE OF COMPLETION:** 09/06/07 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer failed to loosen excessively tight handcuffs.

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

FINDINGS OF FACT: The complainant said she asked the officer to loosen the handcuffs and the officer said he would do so at the station. The officer and two witnesses inside the unmarked vehicle denied the allegation and said the complainant never complained of pain or asked to loosen her handcuffs. Another witness inside the unmarked vehicle did not respond to Office of Citizen Complaints requests for an interview. County Jail medical records deny the presence of any swelling or bruising to the complainant's wrists when she was medically cleared for the general population. There is insufficient evidence to either prove or disprove whether the complainant asked and the officer refused to loosen handcuffs deemed tight.

SUMMARY OF ALLEGATION #6: The officer failed to provide required information.

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

FINDINGS OF FACT: The complainant stated she asked the arresting officer why she was being arrested, but instead another officer responded with the arrest charge. The officer and another witness on scene said the complainant was informed of her arrest charge on more than one occasion while in custody. Section 841 of the California Penal Code does not preclude other peace officers in an arresting unit to notify the complainant when she asks of her arrest charges. The evidence established that at least one of the members of the arresting unit informed the complainant of her arrest charge.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/06 **DATE OF COMPLETION:** 09/06/07 **PAGE#** 4 of 4

SUMMARY OF OCC ADDED ALLEGATION #1: The officer improperly searched a vehicle

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

FINDINGS OF FACT: The officer claimed he had probable cause based on his own observations of the complainant and companions coupled with contraband found in their possessions to conduct a warrantless search of the vehicle. The officer's actions were proper and lawful.

SUMMARY OF ALLEGATION #2-3: The officer(s) failed to report and document the use of force.

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

FINDINGS OF FACT: The complainant said the officer elbowed her right cheekbone while being transported handcuffed to the police station. The officer and two other witnesses in the unmarked vehicle denied the officer was in the back seat with the complainant, was injured or complained of pain. Another witness inside the unmarked vehicle did not respond to Office of Citizen Complaints requests for an interview. County Jail medical records deny the presence of objective signs of trauma, swelling or bruising to her right cheekbone at the time she was medically evaluated. The preponderance of the evidence established the officer did not injure the complainant during her transport and therefore had no affirmative duty to report an injury or complain of pain.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/07 **DATE OF COMPLETION:** 09/21/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated she lives in Manteca, California and that the named officer is her neighbor. The complainant stated that since 2005, the officer, while off duty, has harassed her and other neighbors. The complainant stated she learned from someone else that the officer is a member of the San Francisco Police Department. The officer has never identified himself to the complainant as a member of the San Francisco Police Department. This complaint raises matters outside OCC's jurisdiction as the actions have occurred off-duty. The complaint has been referred for investigation to:

Management Control Division
San Francisco Police Department
ATTN: Lt. Lynette Hogue
850 Bryant Street Rm. 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/07 **DATE OF COMPLETION:** 09/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complaint raises matters outside OCC's jurisdiction. The complaint has been referred to the:
San Francisco Sheriff's Office
Internal Affairs
25 Van Ness Avenue
San Francisco, CA

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/06 **DATE OF COMPLETION:** 09/07/07 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers used profanity.

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

FINDINGS OF FACT: Both officers denied using profanity. One witness stated he did not hear the officers use profanity. Five witnesses stated they heard the officers used profanity, and their statements were consistent. Based on the preponderance of evidence, the allegations are sustained.

SUMMARY OF ALLEGATIONS #3-4: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: It was alleged that the officers employed their batons in an inappropriate manner. Five of the six interviewed witnesses – including the bus driver and a school official - stated that they saw the officers strike the windows and/or the seats of the school bus with their batons. It was also alleged that one officer used her bullhorn to provide the school principal with her badge number and to make an inappropriate and profane comment. Two school officials stated they heard the officer's comments on the bullhorn. One officer stated her partner provided her name and star number over the bullhorn but did not know why. The other officer denied using the bullhorn. Both officers also denied using their batons. Based on the preponderance of evidence, the allegations are sustained.

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DATE OF COMPLAINT: 10/19/06 **DATE OF COMPLETION:** 09/07/07 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #5-6: The officers made sexual slurs.

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

FINDINGS OF FACT: Both officers denied making sexual slurs. Two witnesses stated they heard the officers make sexual slurs. One witness stated he might have, but was not sure, whether he heard the officers make sexual slurs. Three witnesses stated they did not hear the officers make any sexual slurs. There were no other available witnesses and no additional evidence to further prove or disprove the allegations. The allegations are not sustained.

SUMMARY OF ALLEGATIONS #7-8: The officers made racial slurs.

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

FINDINGS OF FACT: Both officers denied making racial slurs. One witness stated he heard one officer use the "N" word. One witness stated she heard one officer use the phrase, "retarded black children." Another witness stated he might have heard an officer use the phrase, "black fuckers." Three witnesses stated they did not hear the officers make any racial slurs. There were no other available witnesses and no additional evidence to further prove or disprove the allegations. The allegations are not sustained.

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DATE OF COMPLAINT: 10/19/06 **DATE OF COMPLETION:** 09/07/07 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #9: The officer used unnecessary force.

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

FINDINGS OF FACT: Three witnesses stated they observed the officer grab a student by her throat and sat her down. One witness stated he saw the officer grab the student by her throat to sit her down but believed the officer was reaching for the student's shoulder and missed. One witness stated he saw the officer push the student's shoulders to sit her down. One witness stated he did not see the officer grab or push anyone. The officer stated the student threw a notebook at her face and took a fighting stance. The officer stated the student clenched her fists and began rocking on her heels as if she was going to punch the officer. The officer stated she placed her hand on the student's shoulder and sat her down. The OCC recommends additional training for its officers, providing them with the tools required for the appropriate handling of children with mental health problems and/or a history of abuse and neglect.

SUMMARY OF ALLEGATION #10: The officer used unnecessary force.

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

FINDINGS OF FACT: Four witnesses stated they observed the officer use unnecessary force to remove a student from the patrol car. One of these witnesses stated that the student was acting badly and kicked the officer. Another witness stated he did not see the officer use any force and saw the student kick the officer. The officer's partner stated she saw only that the student refused to exit the patrol car. The officer stated she retrieved the student from his grandmother's house, at the school's request. The student did not want go back to school, and kicked the doors and windows of the patrol car as they drove back to the bus. The officer stated the student was having a "tantrum" and refused to exit the patrol car. The officer stated the student kicked her in the groin. The officer stated she pulled the student out of the patrol car by his arm. She denied using force. The OCC recommends additional training for officers, providing them with the tools required for the appropriate handling of children with mental health problems and/or a history of abuse and neglect.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/19/06 **DATE OF COMPLETION:** 09/07/07 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #11-12: The officers failed to prepare an Incident Report.

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

FINDINGS OF FACT: The officers responded to an incident involving a number of special-needs juvenile students fighting on a bus. One eleven-year old student fled the scene. School officials, including the school principal, responded to the scene and attempted to gain control of the situation, which they stated was made worse by the behavior of the officers. School officials alleged the officers employed their batons, used unnecessary force, used profanity and behaved unprofessionally. The officers failed to obtain the identities of the students as well as school officials, failed to document the search for, and transportation of the eleven-year old student and failed to document the injuries this student sustained while in police custody. At the very least, the officers should have reasonably expected that school officials would complain about the officers' behavior and should have properly documented their actions, and the action of others. The allegations of Neglect of Duty against the officers for failing to prepare an Incident Report are **Sustained**.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/07 **DATE OF COMPLETION:** 09/28/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

CATEGORY OF CONDUCT: CRD **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: 10/30/06 **DATE OF COMPLETION:** 09/10/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer denied the allegation, stating his inquiry concerning the complainant's brother was not asked in a sarcastic or condescending manner towards the complainant. A witness officer said the named officer has an excellent rapport with the young community in the Bayview district. The witnesses could not corroborate that the officer's inquiry was inappropriate. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers denied the allegation, stating the complainant was stopped for a moving violation, and a stay away violation. The officers acknowledged they were also aware the complainant had a warrantless search condition of probation until June 2009. 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: 10/30/06 **DATE OF COMPLETION:** 09/10/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #5-7: The officers searched a person and vehicle without cause.

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

FINDINGS OF FACT: The officers denied the allegation, stating the complainant has a warrantless search condition of probation until June 2009. The officer said the complainant's brother was pat searched for officer safety, due to his documented history of gang related activities. 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 #8-9: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: The officer denied the allegation stating they did not grab the occupant's nose, nor did they push the occupant's face into the rear window. The witness officers stated he did not recall any officers using any force on the complainant's brother. The complainant and the witness accounts of the force lacked corroboration. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/30/06 **DATE OF COMPLETION:** 09/10/07 **PAGE#** 3 **of** 3

SUMMARY OF ALLEGATION #10-12: The officers failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The officers denied the allegation, stating the detention took only ten minutes to complete and did not warrant a Certificate of Release. The officers said the complainant and occupants were not moved from the traffic stop location, the detention time was short, and no handcuffs were applied. The SFPD CAD corroborated the length of the detention. The complainant and witness accounts of the handcuffing lacked corroboration. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF OCC ADDED ALLEGATION #1-2: The officers failed to report the use of force.

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

FINDINGS OF FACT: The officers denied the allegation, stating they did not use any reportable force during the incident. The witness officers said he did not recall any of the officers using force during the incident. The complainant and witness accounts of the force lacked corroboration. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/06 **DATE OF COMPLETION:** 09/21/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that an officer began issuing her a citation for speeding. The complainant was impatient and irritated about the length of time it took to write the citation, and approached the police car. The complainant acknowledged that she was upset, speaking in a loud voice and using profanity, and that officers said they would arrest her if she did not calm down. One or more officers may have instructed the complainant to move away from the police car. The complainant said she walked to the curb and spat into the curb, near an officer. The complainant said she was then arrested. The named officer described the complainant behaving in an agitated manner, yelling profanities and racial insults at the officers, and rushing up to the police car. The officer said the complainant spat at him and another officer, and uttered threats. Witness officers confirmed the complainant's behavior. The complainant's boyfriend failed to respond to OCC requests for an interview, but was interviewed by police in connection with his own arrest at the time of this incident. The complainant's boyfriend said that the complainant was angry before she was stopped by the police, and responded to their initial request for license and registration in a loud, angry and profanity-laced manner. The complainant's boyfriend acknowledged that an officer told him to calm the complainant down or she would be arrested, and that in response he attempted to move the complainant away from the officers and take her inside his home. The complainant's boyfriend acknowledged also that she rushed up to the officers several times. A preponderance of the evidence established that the complainant's arrest was justified.

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

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

FINDINGS OF FACT: The complainant stated that while in a police car, the named officer made an inappropriate comment to her. The named officer denied the allegation. The named officer's partner stated that he did not recall the named officer making such a statement. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/06 **DATE OF COMPLETION:** 09/21/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION # 3: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainant said the named officer directed a sexual slur towards her. During an interview with police following his own arrest, the complainant's boyfriend said he heard an unknown officer utter this sexual slur. The complainant's boyfriend failed to respond to OCC requests for an interview. The named officer denied the allegation. The named officer's partner stated that he did not recall the named officer making such a statement. Witness officers said they did not hear the named officer make this comment. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 4 & 5: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the named officers used unnecessary force by twisting her arms behind her back and handcuffing her. The complainant admitted slipping on the grass in front of her home while walking away from the officers immediately before she was handcuffed. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/06 **DATE OF COMPLETION:** 09/24/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that as the officers drove by him, he yelled an offensive statement in their direction. The complainant stated the officers had no reason to detain him. The complainant's friend corroborated that the complainant yelled at the officers. The officers stated they observed what they thought to be an illegal hand-to-hand narcotics transaction occur between the complainant and his friend. The officers stated they detained the complainant to investigate what they observed occurred. No independent witnesses were identified nor came forward to present evidence in this matter. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3-4: The officers used unnecessary force during the contact.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force during the contact including a leg sweep and pushing him to the ground. The officers denied the allegation. The complainant's friend stated he observed the complainant on the ground but did not see how the complainant came to be on the ground. No independent witnesses were identified nor came forward to present evidence in this matter. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/06 **DATE OF COMPLETION:** 09/24/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5-6: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated the officers used profanity. The officers denied the allegation. The complainant's friend stated he was too far away to hear what was said. No independent witnesses were identified and none came forward during the investigation to present evidence. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #7-8: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched him. The complainant's friend did not observe this occur. The officers stated they pat searched the complainant because they believed they had observed a narcotics transaction occur. No independent witnesses were identified nor came forward to present evidence. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The named officers denied the allegations. One witness officer who acknowledged monitoring the complainant in a station holding area said he did not see the use of force. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said that the named officer falsely stated that he was resisting and stated that he struck the complainant only once. One witness officer corroborated the named officer's account of the arrest, and a second witness officer said he saw passive resistance and aggressive behavior by the complainant, but did not see the number of times the named officer struck the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4-5: The officers used profanity.

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

FINDINGS OF FACT: The named officers denied using or hearing each other use profanity. One witness officer said he did not hear the named officers use profanity. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION # 1: The officer detained a person without justification.

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

FINDINGS OF FACT: The complainant stated a friend was detained while in possession of an open alcohol bottle. The friend who was detained corroborated he was in possession of the bottle that had been partially consumed on the sidewalk. The officers stated they detained a person who was in possession of a partially consumed bottle of alcohol in adherence to “zero tolerance” in that district. The officer acted properly and lawfully pursuant to S.F.P.D. policy and procedures.

SUMMARY OF ALLEGATION # 2: The officer handcuffed a person without justification.

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

FINDINGS OF FACT: The complainant stated that since her friend was detained without justification, so was his handcuffing. The officer stated they detained the person for possession of an open bottle of alcohol. The officers handcuffed this person due to the investigation of the detention, lack of identification and three outstanding warrants from another jurisdiction. The detainee was therefore lawfully in custody and the action by the officer to handcuff him were lawful and proper.

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SUMMARY OF ALLEGATION #3-4: The officers used inappropriate behavior and threatening comments.

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

FINDINGS OF FACT: The complainant stated the officers made inappropriate comments and one officer in particular made threatening remarks toward her. Several witnesses on scene were unable to verify the specific comments or threats. The officers acknowledged extensive communication with some of the parties associated with the person arrested in the group; however, denied the appropriate behavior or threatening comments alleged. Other law enforcement personnel in the area denied witnessing the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5-6: The officer used excessive force while in custody.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force after her friend was already in custody. The officers denied the allegation. The officers also denied the arrestee sustained any injury while in their custody or being informed at any time thereafter, that the arrestee sustained any injury while in the custody of the Sheriff's department. The arrestee and three witnesses on scene gave conflicting accounts as to who used force as well as the type and degree of force used by the officers as they assisted the arrestee across the street. Two Sheriff's deputies who received the arrestee could not recall whether or not the arrestee was injured when brought to them by the SFPD officers. Photographic evidence submitted by the complainant implicated the use of force by one of the Sheriff deputies on the arrestee after the SFPD officers relinquished custody to them. County Jail records and booking photograph established that the arrestee sustained a bleeding nose abrasion sometime before he was booked at County Jail. There is insufficient evidence to either prove or disprove the allegation against the SFPD officers. The allegation was also referred to the San Francisco Sheriff's office for investigation.

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OCC Added Allegations:

SUMMARY OF ALLEGATION #1-2: The officer prepared an incomplete Incident Report.

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

FINDINGS OF FACT: The evidence established there were conflicting statements by the parties involved as it relates to the detention, arrest, and use of force on the arrestee, as well as the interactions between the officers and bystanders. Moreover, the evidence also established that no outside agency personnel assisted the officers in placing the arrestee into custody to warrant listing them in the incident report. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officer failed to report and document the use of force.

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

FINDINGS OF FACT: There was insufficient evidence to prove or disprove that the officers failed to report and document a reportable use of force from this incident.

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SUMMARY OF ALLEGATION #1-3: The officers displayed inappropriate and threatening behavior and comments.

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

FINDINGS OF FACT: The complainant stated the officers had no authority to block traffic and order him to turn around. The officers denied the allegation, stating a traffic stop was in progress when the complainant intervened. The officers gave the complainant numerous orders to return to his vehicle and to “step away” from the detained vehicle. The officers corroborated the complainant’s demeanor as noncompliant, belligerent, and confrontational. The witness said he heard officer’s give numerous commands to the complainant. The witness said he told the complainant he should comply with the officer’s orders. The complainant said he had a right to disregard the officer’s orders, because they were behaving unlawfully.

One of the named officers said he parked his patrol car to the left of the primary unit for a clear and unobstructed view of the vehicle being detained. The Office of Citizen Complaints investigation revealed San Francisco Police Department (Training Learning Domain 21) states the exact positioning of the contact and cover officers will vary according to the situation and circumstances. It further states cover officers should position themselves so that they have a clear and unobstructed view of the suspect(s) and the contact officer. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper

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

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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SUMMARY OF ALLEGATION #5-7: The officers issued an invalid order.

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

FINDINGS OF FACT: The officers denied the allegation, stating a traffic stop was in progress when the complainant intervened. The officers stated they all gave the complainant numerous orders to return to his vehicle and to “stay away” from the detained traffic violator. The orders were given by the public address system, then verbally towards the complainant as an officer safety issue. The witness corroborated the account of the officer’s attempts for compliance from the complainant. The complainant admitted several times that he disregarded the orders of the police. 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 #8: The officer issued an invalid order.

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

FINDINGS OF FACT: The officer is not available, due to an extended medical leave.

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SUMMARY OF ALLEGATION #9: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not draw his weapon at any time during this incident. The two witness officers stated they did not observe the named officer draw his firearm. The witness said he observed the officers arrest the complainant and did not see anything else special about the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #10: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant was arrested after being placed in handcuffs for threats against a peace officer, battery to a peace officer, resisting arrest, and refusing a lawful order by a peace officer. One witness officer said the complainant yelled a profanity at the officers for blocking the street. The named officer stated the complainant lunged towards him with his chest. The witness and the two witness officers corroborated the complainant failed to follow numerous lawful orders, and observed the complainant interfere with the traffic stop. 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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CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied the allegation, stating they did not use any force while arresting the complainant. One of the named officers said when the complainant lunged toward him with his chest; he did push the complainant away with both hands to prevent injuries to the complainant and himself. The witness said he observed the officers arrest the complainant and did not see anything else special about the incident. There was no reportable use of force indicated on the San Francisco Police Department force log. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #14: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The officer is not available, due to an extended medical leave.

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SUMMARY OF ALLEGATION #15-16: The officers used unnecessary force with tight handcuffs.

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

FINDINGS OF FACT: The officers denied the allegation, stating they both assisted in handcuffing the complainant. However, the complainant did not complain about tight handcuffs during the incident. A witness officer corroborated the complainant did not complain of tight handcuffs. The complainant presented a letter from his attending physician stating the complainant told him of the incident and his opinion that the injury could have resulted from damage to the nerve structures in the wrist. The Office of Citizen Complaints Investigation revealed no record of the complainant being examined by his attending physician in regards to the alleged injury sustained from tight handcuffs during the incident. The complainant failed to provide requested evidence.

SUMMARY OF ALLEGATION #17-19: The officers failed to provide their name and star number upon request.

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

FINDINGS OF FACT: Two of the named officers denied the allegation, stating they did not recall the complainant request their name or star number. The other named officers said he provided his name and star number several times to the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #20: The officer failed to provide his name and star number upon request.

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

FINDINGS OF FACT: The officer is not available, due to an extended medical leave.

SUMMARY OF ALLEGATION #21: The officer wrote an inaccurate Incident Report.

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

FINDINGS OF FACT: The officer denied the allegation, stating his report is complete and accurate to the best of his knowledge. The witness officers corroborated the account of the incident as reported. From the witnesses' vantage point, he corroborated the account of the incident as reported. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #22: The officer made a racially derogatory comment.

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

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

SUMMARY OF ALLEGATION #23-24: The officers towed a vehicle without justification.

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

FINDINGS OF FACT: The officers denied the allegation, stating they towed the vehicle because the complainant was under arrest and there were no legal parking spaces available. The authority to tow the vehicle of an arrested person is Vehicle Code section 22651(h). The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #25: The officer towed a vehicle without justification.

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

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

SUMMARY OF ALLEGATION #26: The officer failed to properly process property.

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

FINDINGS OF FACT: The officer denied the allegation, stating he placed all the complainant's property from his person onto the booking counter in front of the Station Keeper at the station. The named officer said he notified the arresting officer of the complainant's alleged missing property. The incident report documented the complainant claimed he had some credit cards missing during booking and that none of the officers involved saw or were aware of any credit cards. The San Francisco Sheriff's property inventory indicates approximately \$483.31 cash was booked in a yellow envelope. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #27: The officer failed to properly investigate.

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

FINDINGS OF FACT: The officer denied the allegation, stating he investigated to the best of his ability. The named officer said he contacted and interviewed necessary individuals, then presented the facts to the District Attorney. The District Attorney office charged the complainant with several crimes: 69 PC, 243B PC, 148(a) PC, and 2800 VC. Department of Records show the officer acted in an appropriate and proper manner.

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 against the complainant.

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

FINDINGS OF FACT: The complainant said she was eating beef jerky and the officer insisted that she had drugs in her mouth and viciously choked her and told her to spit it out. The officers denied the allegation. One homeless witness, a female acquaintance, has not been seen for months. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 3-4: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that she was not selling drugs and was not involved in a hand-to-hand transaction. The complainant said she had asked a female acquaintance how much money she had so that they could put their money together to buy something, drugs, at the time the officer overheard them talking and made an assumption. The officer denied the allegation. The officer's partner did not hear what was said between the complainant and officer but did see a rock fall to the sidewalk as he arrived when they were all in the ground. One homeless witness, a female acquaintance, has not been seen for months. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officers improperly searched the complainant at the scene.

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

FINDINGS OF FACT: The complainant stated that officers searched her and went inside pockets before the transport unit arrived and then was searched a second time by the transport unit. The officers denied the allegation and stated that they did a pat search for weapons and then the transport unit did a search incident to arrest and transport. One homeless witness, female acquaintance, has not been seen for months. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer planted evidence because she knew she did have drugs in her possession. There were no witnesses, there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that she was not involved in a hand to hand transaction, that the officer choked her, and that not every element involved in her arrest was not mentioned in the report. The officer denied the allegation. One homeless witness, female acquaintance, has not been seen for months. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9-10: The officers used profanity.

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

FINDINGS OF FACT: The complainant said the officers used profanity during the arrest. The officers denied the allegation. One homeless witness, female acquaintance, has not been seen for months. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she saw a man “fighting” with a female in a parked car and she also heard from her boyfriend that a police officer who responded later to handle this incident, when the complainant already had left the scene, allowed this couple to drive off although they both exhibited clear signs of intoxication and the female pulled out, at some point, a baggie with suspected marijuana. The named officer stated that when he spoke with this couple, they did not show any signs of intoxication and the female denied the male, who was her boyfriend, being in any way violent with her. One witness (a building security manager) gave the OCC an inconclusive statement in regards to this incident. Two other potential witnesses did not respond to the OCC’s requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT: