

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/08 **DATE OF COMPLETION:** 09/26/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers detained and handcuffed the complainant and his son without cause.

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

FINDINGS OF FACT: The complainant stated he was stopped, detained at gunpoint and handcuffed for no reason. The officers stated the complainant matched the description of an armed-robbery suspect. The investigation disclosed the complainant's appearance and clothing did match the suspect description. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated the officer searched his car. The named officer stated he conducted a visual search of the interior of the car for weapons, but did not enter the car. A protective weapons search was permissible under the circumstances.

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

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

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

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

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

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

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SUMMARY OF ALLEGATIONS #1-2: The officers detained a subject without justification.

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

FINDINGS OF FACT: The officers stated in their written statements that the subject was stopped for driving a vehicle with no license plate(s). The photos taken of the subject's vehicle show that the vehicle had no front and rear license plates. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-5: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: The complainant stated he observed the officer use excessive force on a subject during a detention. The officers denied the allegation. Witnesses' statements were inconclusive. The Coroner's report shows that the death was due to "asphyxia with cardiopulmonary arrest" and "choking on a foreign body." No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainants alleged that the police used excessive force on a subject during an arrest and that the police failed to provide medical treatment after the subject was taken into custody. Department records show that the named member promptly called for an ambulance after the subject was taken into custody. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer entered and searched a residence without cause.

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

FINDINGS OF FACT: The officer denied the allegation. The officer affirmed he authored the search warrant, affidavit and the statement of probable cause to search the complainant's son and the residence of the complainant's son. The officer stated on August 7, 2007, a Judge of the San Francisco Superior Court signed the search warrant. The officer stated during the search attempt, a visitor to the residence attempted to evade them and warn others in the residence of police presence. The officer said it was necessary to make a force entry to prevent escape, reduce safety risks and to prevent the destruction of evidence. Lastly, the officer said he verbally explained the search warrant to both the complainant and his son during the search. The complainant corroborated that he and his son were listed as the occupants of the residence. No other witnesses came forward.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he provided a copy of the return to search warrant to the complainant's son, which documented the property seized. The San Francisco Police Department provided a copy of a property receipt signed by the complainant's son, evidence collected as documented in the incident report, and a photo disk corroborating the collection of the evidence. During the OCC interview, the complainant stated he had not spoken to his son regarding the property seized, due to his custody hold.

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

CATEGORY OF CONDUCT: UF

FINDING: S

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that he and a friend entered an all-night market to purchase some food. Several officers were inside the market and three women in handcuffs were standing on the sidewalk outside. The named officer repeatedly ordered the complainant to leave the market. The complainant exited the market and the officer grabbed him by the back of the neck and by the back of his jacket and pushed him as he walked towards the nearby corner. When they reached the corner, the named officer pushed the complainant to the left, down the hill, causing the complainant to fall to the sidewalk. The named officer stated that the complainant was interfering with an investigation, so he ordered the complainant to leave. The complainant asked why he should leave and made a profane statement to the officer. The officer came from behind the counter to remove the complainant from the store. The complainant turned and walked away, wrapping his arms around his waist inside his jacket. The officer did not know what the complainant was doing with his hands so he grabbed the complainant by the arms and told him to show his hands, but the complainant pulled away, exited the store and began walking towards the corner. The officer followed the complainant outside to the sidewalk, grabbed the complainant by the shoulders and again told the complainant to show his hands. The complainant pulled away from the officer, so the officer pushed the complainant to obtain a safe distance from him and the complainant stumbled forward and fell to the sidewalk. The officer denied holding onto the complainant's shoulders or grabbing the back of the complainant's jacket. One witness stated that, as the complainant began walking down the hill away from the corner the named officer yelled something at him and the complainant turned around. The named officer came up behind the complainant and grabbed or pushed him in the back, causing the complainant to fall forward and strike his head against the wall of a building. Another witness stated she saw the complainant exit the market and try to walk past officers on the sidewalk. The named officer grabbed this man by the arm and swung him causing him to hit the wall next to the market and fall to the ground. This man sustained an injury to his face. As he was getting to his feet, the named officer pushed him in the shoulder area with his foot. A third witness stated she saw the named officer and the complainant exit the market. The named officer was holding the complainant by the back of the neck and in the area of the mid back. The named officer stopped on the corner and pushed the complainant down the hill. The complainant fell to the ground. The statements of the complainant and several civilian witnesses contradict the named officer's description of how and where force was used. A preponderance of the evidence established that the named officer made physical contact with the complainant at a time when this was unnecessary to effectuate his stated command and contributed to the complainant's injury.

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested him without cause after the officer ordered him to leave a market where the complainant had gone to make a purchase, then followed him outside and pushed the complainant to the ground. The named officer said he arrested the complainant for being under the influence of alcohol in a public place and for resisting his orders to leave the market and to show the officer his hands. A witness officer said he saw the complainant's initial verbal interaction with the named officer but did not observe the complainant's arrest, and could not discern whether the complainant was under the influence of alcohol. Other officers who were present and a civilian witness said they did not recall the complainant's arrest. Several civilian witnesses said the complainant was walking away when the officer pushed him from behind. One of these witnesses said it appeared that the complainant had been drinking alcohol, although he was not inebriated. The complainant admitted drinking alcohol shortly before his encounter with the officer but denied being intoxicated. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity when ordering him to leave a market and again while transporting him to the police station. The named officer denied using profanity. One witness said she heard the named officer make a profane statement very similar to the one described by the complainant. Another witness stated she heard the named officer use profanity, although the profane statement she heard differed from the one described by the complainant. A third witness stated that she did not recall hearing any officer at the scene use profanity. There were no witnesses to the complainant's interaction with the named officer during the transport to the police station. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used racially derogatory language

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

FINDINGS OF FACT: The complainant stated that the officer used racially derogatory language to him while he was being transported to the police station. The officer denied the allegation. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATIONS #1 & 2: The officers failed to take required action.

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

FINDINGS OF FACT: A woman stated that she was detained, handcuffed and transported to the police station, where she was questioned by the named officers before being released. The named officers denied that this woman was handcuffed or transported to the station. Department records and radio communications recordings established that this woman was transported to the station, however, no mention was made of her in the incident report and she was not issued a Certificate of Release. A preponderance of the evidence established that the named officers violated Department General Order 5.03 and Department regulations concerning the preparation of incident reports by failing to properly document this woman's detention and arrest.

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

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

FINDINGS OF FACT: The complainant alleged a male officer standing near him during his arrest, kicked him in the face near the top of his left eyebrow. The complainant stated he never saw the officer that used the force and could not identify him. The complainant only recalled that the alleged officer wore police boots.

All five male officers involved in the arrest and restraint of the complainant denied kicking the complainant in or about his face during the incident. Three of the involved officers stated the complainant banged his head against a piece of a metal attached to one of the doors in the hallway. All of the involved officers said the complainant was extremely aggressive, violent, and a danger to himself and others. The complainant's injury to his head was reported on the Use of Force Log.

The witness stated he works at the hotel that caters to patients with mental illnesses in affiliation with the city hospital of the psychiatric crisis resolution team. The witness stated he called the police due to the complainant's aggressive and violent behavior in and about the hotel premises. The witness stood approximately 5 feet away when he observed the complainant open his apartment door and become extremely violent with the police by screaming, hollering and attempting to make a punching gesture toward the police. The witness stated the police had to grab the complainant and take him to the ground in a narrow hallway. The witness said he observed the complainant hit his head on the ground. The complainant denied that any officers used their foot on or about the head of the complainant. The witness said the officers behavior was "by the book" in trying to subdue the complainant. The witness said the complainant began kicking, screaming and even spitting at the officers. The witness said the officers continued to tell the complainant to calm down so they could release him and talk with him, yet the complainant refused to cooperate. The witness said it took a good 15 minutes for the officers to subdue the complainant. The witness said the complainant usually takes his pills, but runs out of medication and has psychotic episodes where he hears voices. The evidence proved that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant alleged a male and female officer in a marked police vehicle made contact with him and failed to investigate a suspected crime on a city bus in transit.

The officers denied the allegation. Both officers said they responded and made contact with the complainant. The named officers said the complainant informed them the involved parties were gone upon their arrival. SFPD CAD records documents the officers arriving approximately ten minutes after the complainant's call and cleared the run as gone upon arrival. The complainant's description of the responding officers and the police vehicle were inconsistent and erroneous. The complainant failed to provide additional information as requested.

SUMMARY OF ALLEGATION #3-4: The officers displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged a male and female officer in a marked police vehicle made contact with him and failed to investigate a suspected crime on a city bus in transit. The complainant alleged after he made contact with the male officer, the male officer said, "Ok", touched his radio and walked into a nearby restaurant.

The officers denied the allegation. Both officers stated the complainant told them the parties were gone upon their arrival. The named officers denied stating, "Ok," touching their radios and then walking into a restaurant. The complainant's description of the responding officers' and the police vehicle were inconsistent and erroneous. The complainant failed to provide additional information as requested.

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

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

FINDINGS OF FACT The complainant alleges the officer used unnecessary force during his detention. The officer was not identified. One witness stated he could not recall the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION 2#: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant alleges the officer placed him in tight handcuffs. The officer was not identified. One witness stated he could not recall the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT The complainant alleges the officer searched his person during his detention without justification. The officer was not identified. One witness stated he could not recall the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleges the officers made inappropriate comments. The officers were not identified. One witness stated he could not recall the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT The complainant alleges the officers have been intimidating and harassing him. The officers were not identified. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION#:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer conducted a traffic stop without justification.

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

FINDINGS OF FACT: The complainant said the officer did not allow him to change lanes, followed him a few blocks, and when he made a turn on a right turn only lane, the officer stopped him. The officer said he did follow the complainant because he was trying to pace him as he was driving over the speed limit but could not get a good read. In addition, the officer said the complainant drove in a commuter lane without turning and believed he cited him for that violation of section 31 of the traffic code. The witness officer stated the complainant made several turns and did not signal. He stated that even in a right turn only lane a turn signal is required. The complainant stated he did not have his turn signal on because he was in a right turn only lane and did not think he needed one. The citation indicates that the complainant was cited for failing to signal per CVC 22108.

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

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

FINDINGS OF FACT: The complainant stated the officer mocked him and screamed at him. The complainant also said that in January the officer stalked him by following him. The officer denied the allegation. The witness Officer stated that the complainant and female at the scene were screaming at the officer and he had to raise his voice because they were not listening to him. One witness stated the officer got into the complainant's face and was yelling and saying comments about his driving and truck. Two other witnesses did not respond for an interview for the tow incident. The officer stated that he regularly patrols the area Geary and Leavenworth where apparently the complainant frequents and it's possible that the complainant may have seen him in the area in January but he did not follow him or have contact with the complainant. There were no witnesses to the January incident. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer pulled him over for failing to signal before making a right turn. The complainant said he was in a right turn only lane and did not think he had to turn on his signal. The officer stated the complainant was on the commuter lane and believed he had cited him for section 31 of the traffic code. The witness officer stated the complainant was on the commuter lane and had made several turns without using his turn signal and said that turn signals are required even on right turn only lanes. The report and citation document that the complainant was stopped for failing to signal when making a turn and cited per CVC 22108. The complainant admitted that he did not have his signal on when he made a turn in a right turn only lane.

SUMMARY OF ALLEGATION #4: The officer failed to provide his name and badge number.

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

FINDINGS OF FACT: The complainant stated that he asked the officer for his name and star number but the officer did not provide the information. The officer denied the allegation. The witness officer stated that the officer had provided the information and it was on the citation as well. One witness stated that the officer would not give his badge number. Two witnesses did not come forward. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer was rude, sarcastic, and condescending toward her during their telephone conversation. The officer denied the allegation and recalled the complainant being upset. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the DGO (Department General Order) 9.02, does not require officers to write a property damage only non-injury traffic accident report. The officer said the accident was a property damage only and the parties were not injured. The officer said he facilitated the exchanged of information between the involved parties and called a tow service for one of the damaged vehicles.

The complainant and witnesses corroborated the traffic accident was property damage only and the involved parties were not injured. The complainant and witnesses corroborated the officer explained the Department's policy regarding the criteria in taking traffic accidents. One of the witnesses said the officer was just doing his job by responding to the location, identifying himself and asked some preliminary questions in regards to their insurance information. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer said he approached the involved parties of the accident and asked if anyone was injured and/or needed medical assistance. The named officer stated he could not recall if his hands were in his pockets, though recalled the incident occurred in the early morning in cold damp weather. The officer said he informed the parties of departmental policy in regards to documenting traffic accidents, and explained that the time taken to complete property damage only reports takes valuable time away from more serious calls for service. The officer said he facilitated the exchange of information between the involved parties and called a tow service for one of the damaged vehicles.

The complainant and one of the witnesses said the officer was disinterested in the accident. Another witness said the police officer was not rude and did not offend anyone at the scene. The same witness said he was looking for guidance from the officer and the officer should have told them what to legally do in regards to the accident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: Officer(s) towed complainant's vehicle without justification

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

FINDINGS OF FACT: The complainant failed to provide evidence in a referred civil claim.

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 probable cause.

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

FINDINGS OF FACT: The complainant stated the officer grabbed him and arrested him while he was telling a security guard that his injured friend's assailant was getting away. Three witnesses supported the complainant's statement. The officer stated the complainant appeared to be attempting to start a fight. The officer may have had reasonable suspicion to briefly detain and question the complainant, but lacked probable cause to bypass a detention altogether and arrest the complainant based on an inaccurate assumption that the complainant was involved in criminal activity.

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

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

FINDINGS OF FACT: A preponderance of the evidence shows that the officer did not give the complainant required warning before employing a pain compliance technique that resulted in the complainant's injury. Although he stated that he did not intend to injure the complainant, the officer did not provide sufficient specific, articulable facts to justify his actions. Witnesses confirmed the complainant's account that he was not resisting but directing the officer's attention to the assailant who was walking away, that he was asking why he was being detained or arrested, and that he was crying out in pain. The officer acknowledged that once detained, the complainant complained of pain to his thumb but that he did not see anything wrong with it. He also admitted that the injury could have occurred from holding on to the complainant's thumb 'so tightly'. Medical records confirmed that there was a serious injury to complainant's thumb that required surgery.

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

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

FINDINGS OF FACT: The officer denied making inappropriate remarks. One witness at the scene stated he heard the officer make an inappropriate remark. Two other witnesses did not hear the officer make any inappropriate remarks. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer said he made contact with the complainant and witness, conducted an investigation, and with the approval of the on scene supervisor, placed the complainant and the witness under arrest. The witness officer said the two involved parties gave conflicting stories, each claiming the other party assaulted him/her. The witness officer said there were no independent witnesses to the incident and it could not be determined who the dominant aggressor was. The complainant was arrested for domestic violence. The evidence proves that the officer's actions were appropriate and lawful.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The officer denied the allegation. The officer said as the complainant became agitated he advised him to calm down or he would have to place the complainant in handcuffs for his safety. The named officer said the complainant's initial demeanor was calm but became more aggressive during his investigation of both parties. The officer said his demeanor was calm and professional. The witness officer denied hearing the named officer make the alleged comment to the complainant. The witness officer said the named officer was calm and professional during the incident. The witness said the officer was very kind to her through the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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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 said he was assigned by his sergeant to meet with an Adult Protective Services social worker and a therapist from the Department of Public Health, as a standby for safety. The officer said the social worker made contact with the complainant who sat on a chair in his opened garage. The officer stated the complainant became extremely loud, argumentative, unreasonable, and used obscenities towards the social worker. The named officer stated, in a tirade, the complainant stated, "I'm going to kill that doctor." At this point, the complainant was on his feet in the driveway outside of the garage. Due to the complainant's irrational behavior, violent reactions, and the threat to kill a doctor, the named officer determined that the complainant was a danger to himself and others. The officer informed the complainant he would be detained for a mental health evaluation.

The therapist witness corroborated she and the social worker requested police assistance prior to contacting the complainant. The witness said the complainant presented violent behaviors and had interfered with his wife's medical treatment at a local hospital. The witness corroborated upon their arrival at the complainant's residence, they saw the complainant in his garage. The witness said the social worker made initial contact with the complainant. Shortly after, the complainant starting yelling and became upset and angry when he observed the police presence. The therapist witness stated the officer approached the complainant to calm him down and to request his cooperation. The therapist corroborated the complainant stepped out just a little bit from his garage onto the driveway during the incident. The witness therapist stated she completed the 72 Hour Detention for Evaluation and Treatment of the complainant. The therapist corroborated the complainant was considered a danger to himself and others, and they were concerned about his safety. The therapist stated the best way is to have the complainant in the hospital and have someone there to further evaluate his mental state. 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 #2: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The officer stated the complainant refused to place his hands behind his back and told the officer he would fight to stay at his house. The officer said the complainant walked back into his garage, sat back on his chair, then stood up and walked further into his garage. The officer said he stepped forward to stop the complainant from going further into the garage and prevent him from access to visible tools within the garage area. The officer stated the complainant stepped back and raised both fists as if he intended to strike him. The officer said he told the complainant to stop what he was doing and to cooperate. The officer said the complainant reared back his right arm and it appeared he was going to strike the officer with his fist. At that moment, the named officer reached forward and grabbed both of the complainant's wrists and held him. The officer said the complainant began to push him backwards. The officer said he did not want to hurt the elderly complainant, so he pinned the complainant against the wall by the garage door opening and away from all the tools. The officer said the complainant began to push harder making it difficult to restrain him. At this time, the social worker came over and assisted the officer in holding the complainant. The officer said he struggled with the complainant until other units arrived to assist him with handcuffing the complainant. The officer stated there were no signs of abrasions observed on the complainant and the complainant never complained of pain or an alleged injury. The named officer stated he sustained a cut on his left index finger and jammed his left ring finger.

The therapist witness corroborated the officer's account of the force used on the complainant. The therapist stated the force used on the complainant was "necessary and appropriate". The therapist said the complainant struggled and resisted the named officers. The therapist said the officer had to make sure the complainant was contained and not able to hurt himself or anyone else. The witness said the complainant was considered a danger to himself and to others. 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: 03/04/08 **DATE OF COMPLETION:** 09/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The sergeant retired effective June 30, 2008. The officer is no longer available and/or subject to Department discipline.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he initially responded to the traffic collision and facilitated the exchange of information between the involved parties for a property damage accident. The officer stated the complainant stated she was not injured and refused medical treatment at the time of the accident. The officer said the complainant responded to the police station approximately six days later and requested the officer prepare a traffic collision report. The named officer stated the complainant alleged she had suffered whiplash, however, still refused medical treatment. The officer determined the complainant to be the primary cause of the accident, based on statements of the involved parties and the damage to their vehicles. The witness officer corroborated the named officer's account of the accident and that the complainant refused medical aid. The witness officer stated the complainant admitted to him that it was her fault for backing into the other car.

The complainant stated she backed out of an angled parking space and struck the front bumper of the other party. The complainant corroborated she refused medical treatment at the scene and at the police station. 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: 03/07/08 **DATE OF COMPLETION:** 09/26/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer told her to “Shut-up” and get on the sidewalk or he would spray her. The officer denied the allegation. One witness corroborated the complainant’s version. Another witness corroborated the officer’s version. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to provide his name and star number.

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

FINDINGS OF FACT: The complainant stated that when she requested the officer’s name and badge number, the officer just got in his car and left. The officer denied the allegation. One witness corroborated the complainant’s version. Another witness corroborated the officer’s version. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/07 **DATE OF COMPLETION:** 09/04/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested his underage son during a baseball game at the AT&T Park without any legitimate reason. The complainant also stated that he was not present during the incident and learned about it after the fact. The officers stated that they arrested the complainant's son because he was a minor in possession of alcohol and because he refused to leave the park when ordered to do so. In his OCC interview, the complainant's seventeen-year old son, acknowledged that he was drinking beer at the stadium and he resisted the officers' commands. Based on the circumstances of this incident, the officers' decision to place the complainant's son into police custody was justified and proper.

SUMMARY OF ALLEGATION #3: The officer used excessive force during the arrest of the complainant's son.

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

FINDINGS OF FACT: The officer involved in the arrest of the complainant's son denied using excessive or unnecessary force during the incident. The complainant was not present during the occurrence and based his allegation on the words of his son. The complainant's son gave a statement to the OCC but refused to provide additionally requested information, i.e. names and contact information of several witnesses to his arrest, that were critical for a meaningful investigation of the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/07 **DATE OF COMPLETION:** 09/04/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The named member denied acting in the alleged manner. The statements from the complainant, his son and the involved officers were inconclusive and contradictory to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/08 **DATE OF COMPLETION:** 09/11/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT The complainant alleges the officer used unnecessary force. The officer admitted using force but denied using excessive force. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleges the officers used unnecessary force. The officers were not identified. The officers that were questioned denied using unnecessary force. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/08 **DATE OF COMPLETION:** 09/11/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3-6: The officers detained the complainant at gunpoint.

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

FINDINGS OF FACT The complainant alleges the officers detained him at gunpoint. The evidence shows that the officers responded to a robbery call with the use of a gun. Due to the nature of the call, the officers made a high-risk felony stop. The evidence shows that the complainant failed to comply to numerous verbal commands made by the officers. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/08 **DATE OF COMPLETION:** 09/06/08 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The officers denied the allegation. None of the witnesses heard or were in a position to hear the verbal exchange between the complainant and the officers. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The officers interviewed the victim and obtained four witness statements, each of which corroborated the story of the victim. Both officers spoke to the complainant. Witnesses said the complainant was angry verbally aggressive toward the male officer. The evidence proved that the officers conducted a proper investigation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/02/08 **DATE OF COMPLETION:** 09/06/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: Three witnesses were interviewed by the Office of Citizen Complaints. All witnesses were PG&E employees working at the scene of the incident. Each of the witness' statements corroborated the statement of the victim. The complainant admitted getting into a verbal confrontation with the DPT employee and hitting his Cushman cart. Court reports document that the complainant was sentenced to diversion that requires him to attend an anger management program. The evidence supports a showing of probable cause for the arrest.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #2: The officer entered a residence without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-4: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT The complainant alleges the officers searched his residence without cause. The evidence shows that the officers entered the complainant's residence to serve a properly issued search warrant. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #5: The officers intentionally damaged the complainant's properties.

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

FINDINGS OF FACT: The complainant alleges the officers intentionally damaged his properties during the search in his residence. The officers that were questioned denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #6-7: The officers seized the complainant's properties without cause.

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

FINDINGS OF FACT: The complainant alleges the officers seized his properties without cause. The evidence shows that the complainant's properties were seized pursuant to a search warrant and for evidentiary purposes. The evidence further shows that the properties were booked as evidence and a receipt was issued to the complainant. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #8: The officer(s) arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleges that he was arrested without cause. Although it was not determined who arrested the complainant, the evidence shows that the complainant was arrested for cultivating and possessing marijuana plants. The complainant was booked for violating the provisions of the Penal Code and the Health and Safety Code. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/09/08 **DATE OF COMPLETION:** 09/18/08 PAGE# 3 of 3

SUMMARY OF ALLEGATIONS #9: The officer issued a citation without cause.

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

FINDINGS OF FACT The complainant alleged the officer issued him a citation without cause. The officer denied the allegation and stated that he issued the complainant a citation because his car was parked in a wrong direction on the street. The officer stated the complainant violated Section 22502(a) of the Vehicle Code. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant alleges the officer harassed him and his wife in different occasions. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/08 **DATE OF COMPLETION:** 09/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complainant stated the officer pushed her during a demonstration. She said the officer issued a command and did not give her an opportunity to comply with his command. The complainant said the officer issued his command and pushed her at the same time. The OCC interviewed a witness, who did not see the incident occur. No other witnesses came forward. The officer denied the allegation. The officer said he did not recall pushing anyone, saying he had physically blocked some individuals from a particular area. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/08 **DATE OF COMPLETION:** 09/26/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers and another officer denied the allegation. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The officer stated he entered a car dealership and noticed a broken window but could not tell if anything was stolen. He did not take a report because there was no “responsible party” at the scene to interview. He did not conduct a perimeter search of the property. He closed this call as “no merit” because the dispatcher defined this call as a check on well-being, not a burglary. He stated he planned to return to the dealership and take a report when it opened for business. The dealership manager stated that employees became aware of the break-in when they first arrived for work, and called the police. The officer responded an hour later and took a report. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to prepare an Incident Report.

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

FINDINGS OF FACT: In an attempt to locate the Incident Report, the OCC contacted the San Francisco Police Department’s Records Department, San Francisco Police Department’s Legal Department, and the officer’s captain. Each responded in writing, saying the report could not be located. In addition, the Department’s Information Technology officer conducted research that confirmed the report was never entered into the computer system. In his second OCC interview, the officer produced a handwritten Incident Report. The officer stated he wrote the report the day of the incident and placed a copy in his officer’s box. The officer could not explain why no one in the department could locate a copy of this report. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 04/24/08 **DATE OF COMPLETION:** 09/13/08 **PAGE# 2 of 2**

SUMMARY OF OCC ADDED ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: In his first OCC interview, the officer stated he wrote an Incident Report. In an attempt to locate the incident report, the OCC contacted the San Francisco Police Department's Records Department, San Francisco Police Department's Legal Department, and the officer's captain. Each responded in writing, saying the report could not be located. In addition, the Department's Information Technology officer conducted research that confirmed the report was never entered into the computer system. In his second OCC interview, the officer produced a handwritten Incident Report. The officer stated he wrote the report the day of the incident and placed a copy in his officer's box. The officer could not explain why no one in the department could locate a copy of this report. There were no other available witnesses and 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: 04/22/08 **DATE OF COMPLETION:** 09/25/08 **PAGE #** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers' comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant said the officers responded to a hospital emergency room at her request to receive a report of a man making sexual advances to her days earlier. The complainant said the officers behaved inappropriately and made unwarranted and unprofessional comments. The officers denied the allegations and stated there were no witnesses present to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/25/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This incident occurred because the complainant and her husband were upset because, after many years of doing so, they were cited for parking their truck in the middle of the street. They believed that, because other delivery trucks parked there, it was legal to do so. They acknowledged challenging the officer's requests for identification and arguing with him in the middle of the street, by their truck. An officer at the scene stated he heard the officer tell the complainant and her husband to get onto sidewalk. The officer's conduct was proper.

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 and her husband stated the officer yelled at them, demanded to see their identification and ordered them off the street. The complainant's husband was handcuffed. The co-complainant stated he did not know why the officer was "making a big deal" about a truck parked in the middle of street. The officer told him, "I have your name in my file, I'm gonna arrest you next time." A witness stated the only thing he saw was the complainant's husband being handcuffed. An officer at the scene stated the complainant and her husband were loudly protesting the tickets. At one point, the complainant's husband stood between his wife and the officer with clenched fists; he appeared to get more agitated as he spoke. At that point, he was handcuffed. This witness officer stated the citing officer was calm but firm and did not yell at anyone. A second officer at the scene stated the complainant's husband was handcuffed for officer safety because he was "very aggressive and argumentative" towards the citing officer and made a fist at the officer. This officer further stated the citing officer was "calm and professional." There were no additional witnesses or evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 04/30/08 **DATE OF COMPLETION:** 09/25/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer was rude and used profanity.

CATEGORY OF CONDUCT: D **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 22, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/08 **DATE OF COMPLETION:** 09/06/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated a security guard threatened to assault him if he did not move along. The security guard called the police. The complainant stated he told police that the security guard had assaulted him, and he wanted the security guard arrested. The security guard stated he did not hear the complainant ask the police to take a report. Two officers at the scene stated when they arrived at the scene, the complainant was walking away. Both officers, as well as the named officer, stated the only thing the complainant said was, "I'm leaving." There were no other witnesses and 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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant wrote he was detained for no reason. The complainant failed to provide additional requested evidence that is needed to further the investigation. No San Francisco Police Department records were located that showed any contact with the complainant on or about the date the complainant provided to Office of Citizen Complaints.

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

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

FINDINGS OF FACT: The complainant wrote in his complaint the unknown officer lifted the complainant's shirt against his will. The complainant failed to provide additional requested evidence that is needed to further the investigation. No San Francisco Police Department records were located that showed any contact with the complainant on or about the date the complainant provided to Office of Citizen Complaints.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/30/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant wrote that an officer used profanity and made other inappropriate comments. The complainant failed to provide additional requested evidence needed to further the investigation. No San Francisco Police Department records were located that showed any contact with the complainant on or about the date provided by the complainant.

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

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

FINDINGS OF FACT: The complainant stated he was detained and was not specific if he was arrested or not. No San Francisco Police Department records were located that showed any contact with the complainant on or about the date provided by the complainant. The complainant failed to provide additional requested evidence needed to further the investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/07 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim against the San Francisco Police Department regarding a monetary loss allegedly incurred by the claimant as a result of his arrest. When contacted by the Office of Citizen Complaints, the claimant refused to pursue any misconduct complaint against the involved officers.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/08 **DATE OF COMPLETION:** 09/25/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, a supervisor for a school bus company, said she was in the street speaking with her bus driver and writing down information about a collision when a fire engine approached. The complainant said she moved but was still on the street when the officer grabbed her by her jacket, pulled her to the sidewalk and threatened to cite her. The officer stated he ordered the complainant out of the street, where she was creating a traffic hazard, but the complainant refused to move, so he physically directed her to the sidewalk. The witnesses corroborated the officer's version. By a preponderance of the evidence it is more likely than not that the officer's actions at the scene were reasonable 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: 06/06/07 **DATE OF COMPLETION:** 09/20/08 **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 is a taxicab driver, who picked up a fare at the front of the line in Terminal 1 of the San Francisco International Airport. The complainant admitted he drove off without informing his passengers at the beginning of his trip that the fare to be charged to San Jose was going to be 150% of the amount registered on the taximeter in violation of the Taxi Cab detail rules of conduct. The passengers objected to the fare and requested to be dropped after departing from the airport terminal. The complainant dropped the passengers away from the taxi line and returned to the front of the line, where several taxicab drivers brought it to the officer's attention. Although the complainant was operating outside the regulated hours of business and there is no required checkout for long fares, the honor system among taxicab drivers required the complainant to return to the end of the line rather than the front, particularly when he returns without passengers regardless of the distance traveled. Therefore, the officer's action to suspend the complainant's special privilege to stage at the airport for twenty-four hours for failure to comply with Airport regulations was proper and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/08 **DATE OF COMPLETION:** 09/25/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers used force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant alleges the officers used force during his arrest. The officers stated the complainant was resisting and failed to comply with verbal commands so they used academy approved rear twist lock grip and bar-arm control techniques to gain compliance from the complainant. Medical records document that the complainant told medical staff that he had injected PCP. The drug that the complainant injected "dissociative drug" distorts perception and the user exhibit feelings of strength power and invulnerability.

SUMMARY OF ALLEGATIONS #3: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant alleges the officer issued him a citation without cause. The officer stated he issued the complainant a citation for resisting and delaying an officer's lawful arrest.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/04/08 **DATE OF COMPLETION:** 09/26/08 **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 complainants said they were among a contingency of loud demonstrators outside a public neighborhood meeting, which they attempted to enter. The complainants said the officer could not order them to stay outside the public meeting. The officer said he acted at the request of a pastor to prevent disruptive demonstrators from entering to disrupt a community meeting. The pastor denied the request to restrict public attendees, but confirmed the officer stood up in the middle of the meeting to intervene when a loud and disruptive demonstrator entered the meeting with a drum. Other witnesses present did not respond to requests for an interview. Based on the complainants' intentions to disrupt the neighborhood meeting and the officer's duties, the officer's actions were proper under the circumstances whether it was at the request of someone within the premise or self initiated in order to maintain the order and proper decorum.

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

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

FINDINGS OF FACT: The complainants gave conflicting statements about which officer shoved them as they were leaving the premises as directed. The officer and his partner denied the allegation. The officer said he used his hand to direct disruptive demonstrators in the direction he wanted them to go because they were not complying with his request to leave the meeting. Although a witness on scene saw an officer attempting to maintain order during the neighborhood meeting after a disruptive demonstrator entered playing a drum, the witness could not see the officer by the front door and did not recall seeing any officer use force to get anyone outside. Other known witnesses did not respond to Office of Citizens Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/08 **DATE OF COMPLETION:** 09/30/08 **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: After his release from a prior arrest, the complainant went to the Auto Detail Division to obtain his personal property. Instead of returning his property, the officer re-arrested the complainant. The officer stated he presented this case to the District Attorney's Office, who directed the officer to re-arrest the complainant on additional charges. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated that, after he was released from custody, the officer failed to return all of his personal property. The items identified by the complainant are not listed as property on his arrest record. The officer stated the complainant's property is being held as evidence in a criminal matter. Any evidence that is to be released needs a court order. The officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/08 **DATE OF COMPLETION:** 09/30/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer behaved inappropriately and made inappropriate remarks. The officer denied the allegation. He further stated that the complainant swore and made a rude comment. There were no witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/07 **DATE OF COMPLETION:** 09/20/08 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant alleged that the officers failed to arrest the person who had assaulted her. The officers denied the allegation and said that the complainant refused to sign a Citizen Arrest Form. A witness stated that she did not hear the conversation between the officers and the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer wrote an incomplete and/or inaccurate report.

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

FINDINGS OF FACT: The officer and her partner denied the allegation. A witness stated that she did not hear the conversation between the officers and the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant failed to respond to repeated contact attempts. A witness stated the complainant violently assaulted him before stealing his cell phone. The witness stated the complainant resisted arrest by twisting away from, and kicking, the officers. The witness further stated the officers used only enough force to take the complainant into custody. The five officers involved in this incident denied using force and each stated that, at the station, the complainant banged his head against the holding cell wall, causing a hole in the wall. The complainant was admitted to the Youth Guidance Center and there was no evidence the complainant had any injuries or needed medical attention. There were no available additional evidence or witnesses to further prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/08 **DATE OF COMPLETION:** 09/11/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers stopped and detained the Complainant without justification.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 10, 2008.

SUMMARY OF ALLEGATION #3: The officer cited the complainant without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 10, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/08 **DATE OF COMPLETION:** 09/11/08 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 10, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/08 **DATE OF COMPLETION:** 09/11/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant did not witness this arrest. The arresting officer stated he arrested the complainant's boyfriend for making criminal threats against peace officers, resisting arrest, violating the conditions of his probation, and having an open container of an alcoholic beverage in public. Another officer at the scene stated he observed the complainant's boyfriend commit these violations. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer spit at her boyfriend, but did not witness this event. The officer stated that, after the complainant's boyfriend spit in his face and mouth, he turned away, wiped his face, and expelled the boyfriend's saliva. Another officer at the scene stated he observed the complainant's boyfriend spit on this officer; he stated the officer did not spit at the boyfriend. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/08 **DATE OF COMPLETION:** 09/11/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: Based on the preponderance of evidence, the complainant lives with her boyfriend and is subject to searches of their residence under the conditions of his probation. The complainant's complaint about probation officers searching her residence does not fall within the jurisdiction of the OCC. Hence allegations of harassment will be referred to the appropriate agency.

Adult Probation
Hall of Justice
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/08 **DATE OF COMPLETION:** 09/19/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleges the officer failed to take required action by failing to return his documents after a traffic stop. The officer stated all of the complainant's documents were returned to him before he signed his citation. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/08 **DATE OF COMPLETION:** 09/06/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. The officer's partner also denied that the named member used profanity. The complainant failed to respond to OCC's request to be interviewed.

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: The complainant failed to respond to Office of Citizen Complaint's request for an interview. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officers were on scene to investigate a traffic accident. The reportee told the officers that the complainant was unsteady on her feet, had slurred speech and that the complainant might attempt to drive away. When confronted by the officers the complainant became belligerent and almost struck one of the named officers. The complainant was detained, handcuffed for her safety, pending the officers' investigations.

SUMMARY OF ALLEGATION #4: The officer failed to secure a vehicle.

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

FINDINGS OF FACT: The complainant stated that during a police investigation, officers moved her vehicle and failed to secure it. The officer denied the allegation, stating she specifically received permission from her supervisor to move the complainant's vehicle. The officer moved the vehicle into the complainant's driveway, rolled up the windows, locked the car, and placed the keys in the complainant's bag. The OCC spoke to several witnesses but they did not observe this aspect of the incident. The OCC contacted the witness who may have seen the officer secure the complainant's vehicle. He did not return the OCC's telephone messages. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force in taking her into custody and in his placement of the complainant into the patrol car. The complainant specifically said the officer hurt her when he allegedly twisted her wrists while placing handcuffs on her. She also stated that the officer hurt her while he placed her into the patrol car. Several witnesses wrote statements. One witness wrote a statement noting the complainant was combative. The witness wrote that the complainant did not cooperate with the officers. The witness further wrote that the complainant pushed the officer and was verbally abusive toward him. When the complainant lost her balance and the named officer tried to save her from falling, the complainant hit the officer in the arm. The witness said the named officer then placed the complainant in the patrol car. The officer was entitled to use reasonable academy approved control holds to place the complainant into handcuffs and then into the patrol car. The officer denied using any reportable force on the complainant. 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 #6-7: The officers conducted a search without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched the data contained within her cellular phone without probable cause. The officers denied the allegation, stating the complainant authorized them to search her cellular phone for her work number so they could inform her employer she would not attend work. Two witnesses did not observe this aspect of the incident. The third witness did not respond to the OCC's attempts to contact him. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/08 **DATE OF COMPLETION:** 09/13/08 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #8-10: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant stated she asked for all involved officers' names and star numbers. The complainant alleged that none of the officers provided her with their names or star numbers. The officers denied the allegation, stating that the complainant only asked one of the officers for that specific information and the officer cooperated. Two witnesses did not observe this aspect of the incident. The third witness did not respond to the OCC's attempts to contact him. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #11-13: The complainant alleged that the officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant said the officers discriminated against her "due to her residency." The officers denied the allegation. The complainant did not provide any examples of officer's conduct or comments to substantiate the allegation. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/08 **DATE OF COMPLETION:** 09/17/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 16, 2008.

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

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 16, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/08 **DATE OF COMPLETION:** 09/10/08 **PAGE#** 1 of 1

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

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: 07/03/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant refused to provide additionally requested information necessary for a meaningful Office of Citizen Complaints Investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer prepared an inaccurate and incorrect report.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 23, 2008.

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

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 23, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/08 **DATE OF COMPLETION:** 09/11/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers had a duty to prepare an incident report documenting a fight she had with her husband. Four officers stated that this was a verbal argument only and the complainant wanted her husband to leave, and he did. A report was not written because a crime had not occurred. This incident did not involve domestic abuse as defined by Department General Order 6.09. The officers did not have a duty to prepare an incident report. There were no available witnesses and 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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/08 **DATE OF COMPLETION:** 09/11/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved in an inappropriate manner.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The vehicle number provided by the complainant to identify the officer was an incorrect vehicle number and is assigned to a vehicle other than a marked patrol car. The vehicle number identified by the complainant corresponds to a police vehicle in a different police district and not the district where this incident occurred. The officer assigned to the vehicle identified by the complainant, denied all knowledge of the incident and stated he is not assigned to the station where this incident occurred and stated he was not in uniform when this incident occurred. A review of all vehicles numbers at the district station where this incident occurred, shows no similar vehicle numbers to the number provided by the complainant. There is insufficient evidence to either prove or disprove the allegation as the officer could not be identified based on the complainant's descriptions of the vehicle or the officer.

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

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

FINDINGS OF FACT: The complainant stated the officer acted inappropriately and made inappropriate comments. The officer could not be identified based on the descriptions provided by the complainant of the officer and the vehicle the officer was in. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he observed the complainant sitting in a parked vehicle in a natural gas pump restricted area near the airport. The area was clearly marked by signs reading "Tow Away No Parking Anytime" regulated by airport code violation S.F.I.A. Reg. 1.4.5. The officer said he requested the complainant move his vehicle, yet the complainant would not comply. The named officer observed a broken tail lamp on the complainant's vehicle and proceeded to issue a citation for the tail lamp and for no proof of insurance. During the issuance of the citation, the complainant yelled a derogatory comment toward the officer. The officer denied making any inappropriate comments to the complainant.

The complainant corroborated he was parked in a restricted area, while waiting to pick up a family member from the airport. The complainant corroborated he had observed the sign. The complainant corroborated he engaged the officer in numerous questions and statements of his right to park in that area. The complainant corroborated he made a derogatory statement toward the officer. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/15/08 **DATE OF COMPLETION:** 09/26/08 **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 had an outstanding arrest warrant issued from Alameda County. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant had an outstanding arrest warrant issued from Alameda County. The complainant acknowledged asking the officer if he could move his vehicle and park it properly. Section II.A.1.d. of Department General Order 9.06 authorized officers to tow an arrestee's vehicle if it is creating a traffic hazard. The officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/15/08 **DATE OF COMPLETION:** 09/26/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that one of the transporting officers applied his handcuffs too tightly. One of the transporting officers stated he did not recall the complainant. His partner stated that he did not recall who handcuffed the complainant at the scene, or to the bench. He did not recall whether the complainant complained of tight handcuffs. The arresting officer stated he did not recall who handcuffed the complainant, or whether the complainant complained of pain. There were no other witnesses or 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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that she called the police to her home and complained about the actions of her husband. Office of Citizen Complaint's investigation established that the actions described by the complainant were not criminal in nature. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/08 **DATE OF COMPLETION:** 09/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take 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 30, 2008.

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

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 30, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/07 **DATE OF COMPLETION:** 09/20/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was arrested for her involvement in a buy bust operation wherein the complainant's witness and co-conspirator was arrested for the sale of narcotics to an undercover officer. When the complainant was interviewed by the OCC she did not deny her involvement in the drug sale. The complainant has an extensive (20 years) history of narcotic's arrest.

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

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

FINDINGS OF FACT: The complainant alleged that she was subjected to unnecessary force during her arrest. The officers involved in her arrest denied the allegation and stated the complainant made no complaint of pain and denied that the complainant had any physical injuries. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/07 **DATE OF COMPLETION:** 09/20/08 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer cut the complainant's jacket without cause.

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

FINDINGS OF FACT: The complainant alleged that during the search incident to her arrest an unknown officer cut her leather jacket. The officers involved in the arrest denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The named member denied acting in the alleged manner. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/07 **DATE OF COMPLETION:** 09/15/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer(s) used unnecessary force

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

FINDINGS OF FACT: The complainant stated two plainclothes officers assaulted him and threw him down a flight of stairs. The investigation did not disclose the identity of any officers at the scene.

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

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

FINDINGS OF FACT: The complainant stated that officers refused to take a report about criminal activity. The investigation did not disclose the identity of any officers at the scene.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/08 **DATE OF COMPLETION:** 09/26/08 **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 the officer handcuffed him too tightly. The officer stated he checked the handcuffs for tightness and double-locked them. This officer, and two other officers, did not hear the complainant complain of pain. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer refused to loosen his tight handcuffs. The officer stated the complainant did not ask him to loosen the handcuffs, and did not complain of pain. The transporting officer and the Station Keeper stated the complainant did not ask anyone to loosen his handcuffs and did not complain of pain. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleges the officer refused her request for a meeting. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she handed the officer some documents to be attached to her incident report. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate/incomplete report.

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

FINDINGS OF FACT: The complainant alleges the officer wrote an inaccurate/incomplete report. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/08 **DATE OF COMPLETION:** 09/30/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer did not return her calls so that she could provide her insurance information and witness information for the report. The complainant also needed the name of the other party's insurance information. The officer denied the allegation. The officer stated that he provided the complainant with a follow up form and he did return the complainant's call but no one answered. The report documents that it was completed and reviewed by next day, which is in accordance to the requirement that officers' complete their report by the end of their shift. There is insufficient evidence to prove or disprove that the officer returned the complainant's calls. There were no witnesses.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/07 **DATE OF COMPLETION:** 09/06/08 **PAGE #** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he saw a police officer strike with a knee and kick a handcuffed detainee after the detainee spit on the officer and then put his foot in the detainee's mouth. One witness said he was kicked by a male officer. Another witness said she heard an onlooker say " You don't have to put your foot in his mouth." The named officer acknowledged being spit on by the detainee, but denied he used unnecessary force. Seven witness officers said they did not see unnecessary force. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that an officer made an inappropriate comment. Eight officers who were at the scene denied saying or hearing an officer make the alleged comment. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/07 **DATE OF COMPLETION:** 09/06/08 **PAGE #** 2 of 4

SUMMARY OF ALLEGATION #3: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant acknowledged that he jaywalked but said he received a citation for observing and taking notes regarding unnecessary force. The named officer denied the allegation, saying the complainant jaywalked and that is why he issued a citation to the complainant. Seven witness officers said they did not see the violation for which the complainant was cited. No other witnesses came forward. The evidence proved that the actions that formed the basis for the allegation took place; however, such actions were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant said he was cited for jaywalking when others who were crossing the street in the same manner were not cited. The named officer denied the allegation, saying he did not see anyone jaywalk except the complainant. Seven witness officers said they did not see anyone jaywalk. No other witnesses came forward. There is insufficient evidence to either prove, or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/07 **DATE OF COMPLETION:** 09/06/08 **PAGE #** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated he saw a police officer strike with a knee and kick a handcuffed detainee and that numerous officers at the scene did nothing to stop the actions of the sergeant. Seven witness officers said they did not see unnecessary force. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #1-4: The officers failed to promptly provide medical assessment for an injured prisoner.

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

FINDINGS OF FACT: Evidence in the case indicated that an arrestee was injured and seen to be bleeding at the scene of his arrest but that paramedics were not called immediately to assess the arrestee medically for the bleeding. The named officers acknowledged arresting and transporting the arrestee. The named officers provided conflicting evidence about who called for the paramedics, why they were called and where the arrestee was when he seemed to have a seizure. Four witness officers' testimony did not clarify the circumstances surrounding the reason for medical assessment in this incident. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/07 **DATE OF COMPLETION:** 09/06/08 **PAGE #** 4 of 4

SUMMARY OF OCC-ADDED ALLEGATION #5: The officer wrote an inaccurate or incomplete Incident Report.

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

FINDINGS OF FACT: The comments of the complainant and the witnesses in this case indicated that the named officer failed to include in an Incident Report a description of unnecessary use of force against an arrestee. The named officer and six witness officers denied seeing any use of force as described by the complainant and witnesses. The evidence gathered could not confirm or deny that unnecessary force was used, and thus there is insufficient evidence to either prove or disprove the allegation of neglect of duty.

SUMMARY OF OCC-ADDED ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/07 **DATE OF COMPLETION:** 09/25/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him and his friend without any apparent reason. The complainant's friend supported this statement but had no complaints. When questioned by the OCC, the named member articulated sufficient reasons for detaining the complainant and his friend based on their actions. The complainant's and his friend's accounts of the events that preceded their detention validated the officer's assertions. Given specific circumstances of this incident, as described by the involved parties, the officer's decision to detain the complainant and his friend was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the detaining officer made inappropriate comments when the complainant informed him about his intention to become a peace officer. The named member denied the allegation. The statement from the complainant's friend, who was present during the occurrence, was inconclusive and contradictory. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/08 **DATE OF COMPLETION:** 09/04/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/08 **DATE OF COMPLETION:** 09/16/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 11, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/08 **DATE OF COMPLETION:** 09/18/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/07 **DATE OF COMPLETION:** 09/30/08 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer handcuffed a detainee without justification.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/08 **DATE OF COMPLETION:** 09/04/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS # 1-2: The officers failed to take required actions.

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

FINDINGS OF FACT: The complainant stated that she requested police assistance because the building manager “verbally harassed” her and the responding officers “did not help.” The OCC found that the complainant’s conflict with the building manager was not criminal in nature and it did not require any police assistance. The officers’ advice to the complainant to seek another avenue for resolution of this conflict was reasonable, proper and consistent with the relevant policies.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers interrupted him while he was urinating in public. He stated he did not have any identification and was taken to the police station where he was cited and released. Urinating in public is a violation of the San Francisco Municipal Police Code §153 as well as California Penal Code §370. The officers' conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/08 **DATE OF COMPLETION:** 09/10/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/07 **DATE OF COMPLETION:** 09/06/08 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1-2: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated officers did not provide medical attention to him. The named officers and several witness officers stated that the complainant was provided with medical attention at the scene by paramedics. The named officers stated they called for a paramedic to come on scene. The San Francisco Fire Department paramedic records showed that paramedics arrived on scene and treated the complainant. The evidence showed that the officers acted properly when they summoned medical attention and the complainant did receive treatment at the scene.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to accept a private person's arrest.

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

FINDINGS OF FACT: The officers denied the allegation. The named officers and all witness officers stated that the complainant wanted someone arrested for the battery. However all officers stated the complainant could not provide them with a suspect description or whereabouts and stated the complainant was uncooperative and intoxicated. This is corroborated in medical records that show the complainant to have been intoxicated and providing inconsistent accounts as to what occurred and who was responsible for the battery. The evidence proved that the act complained of did occur, however using as a standard the applicable regulations of the department, the officers' actions were proper and lawful, as the officers could not accept a private persons arrest without a known suspect.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/01/07 **DATE OF COMPLETION:** 09/06/08 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #5-6: The officers failed to properly investigate the incident.

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

FINDINGS OF FACT: The officers denied the allegation. The named officers and several witness officers stated the named officers and other officers repeatedly tried to speak to the complainant to no avail due to the complainant's state of intoxication as later verified by the treating physicians at the San Francisco General Hospital. The officers also spoke to a desk clerk in the hotel who stated he did not observe the alleged assault which occurred outside the hotel. Records show that the officers wrote an incident report, captured details of the event in their CAD history, ordered medical treatment for the complainant and eventually detained the complainant for his own safety. The evidence showed that using as a standard the applicable regulations of the department, the officers acted appropriately.

SUMMARY OF ALLEGATIONS #7-8: The officers misused their police authority.

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

FINDINGS OF FACT: The complainant stated the officers lured him outside so that they could arrest him. The named officers and witness officers stated the complainant was asked to go outside so that medical treatment could be provided by awaiting paramedics outside the residence with their ambulance. Information provided by the San Francisco Fire Department showed that the complainant did go outside the residence and sought treatment with the waiting paramedics. The evidence showed that the officers did not misuse their police authority and acted appropriately and lawfully.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/07 **DATE OF COMPLETION:** 09/06/08 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #9-10: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers denied the allegation and stated they detained the complainant due to his level of intoxication under PC 647F – Release when Sober. The complainant was taken to San Francisco General Hospital and hospital records show that the complainant was intoxicated. The evidence proved that the act alleged in the complaint did occur, however using as a standard applicable department and state law, the officers’ actions were lawful and proper.

SUMMARY OF ALLEGATION #11: The officers made inappropriate comments.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/07 **DATE OF COMPLETION:** 09/06/08 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #12: The officer used unnecessary force during the detention.

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

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

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

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

FINDINGS OF FACT: All officers denied the allegation and denied having any specific knowledge of the complainant's property. No property was shown as booked on the Incident Report. The complainant was transported to County Jail #9 and then to San Francisco General Hospital from where he was released. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/08 **DATE OF COMPLETION:** 09/06/08 **PAGE#** 1 of 1

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

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

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

Recreation & Parks Department (Dept. 42)
Head Park Ranger
501 Stanyan Street
San Francisco, CA 94107
(415)242-6391
(415)242-6389 Fax

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/08 **DATE OF COMPLETION:** 09/06/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

San Francisco Recreation and Parks Department
501 Stanyan Street
San Francisco, CA 94114

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 1

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

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: 10/10/07 **DATE OF COMPLETION:** 09/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant did not respond to the Office of Citizen Complaints request for contact and failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant did not respond to the Office of Citizen Complaints request for contact and failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/07 **DATE OF COMPLETION:** 09/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant overheard the officer using profanity while talking with other officers in a public place. However, the complainant could not provide any identifying information about the officers. There were no adult witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant overheard officers speaking and behaving inappropriately while talking with other officers in a public place. However, the complainant could not provide any identifying information about the officers. There were no adult witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/08 **DATE OF COMPLETION:** 09/25/08 **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.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/08 **DATE OF COMPLETION:** 09/20/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/08 **DATE OF COMPLETION:** 09/25/08 **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. The complaint has been referred to.

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/08 **DATE OF COMPLETION:** 09/26/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew this complaint.

SUMMARY OF ALLEGATION #2: The officers behaved and commented inappropriately.

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

FINDINGS OF FACT: The complainant withdrew this complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/07 **DATE OF COMPLETION:** 09/26/08 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION 1: The officer discharged his weapon without justification

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

FINDINGS OF FACT: The officer saw an attempted armed robbery, ordered the suspects to stop, then fired at the suspects' fleeing car. The suspects and circumstances in this incident fit the profile of the previous incidents of armed robbery. The officer, believing he was in imminent danger of being shot, fired in self-defense. The evidence proved that the acts, which provided the basis of the allegation, were justified, lawful, and proper.

SUMMARY OF ALLEGATION 2: The officer discharged his weapon without justification

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

FINDINGS OF FACT: The officer chased after and fired at an armed suspect in a fleeing car that had just been involved in an attempted robbery of a fast food restaurant. The officer had been involved in multiple investigations involving similar circumstances over the past several months and the suspects and circumstances in this incident fit the profile of the previous incidents where the suspects were still at-large. The officer, believing he was in imminent danger of being shot fired in self-defense. The suspects were never apprehended. Nearby homes were struck by the officer's bullets during the incident and a bullet grazed the arm of the complainant as she lay asleep in bed. The evidence is inconclusive as to the reasonableness of the officer's actions. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/07 **DATE OF COMPLETION:** 09/26/08 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS 3 and 4: The officers conducted themselves improperly during an investigation.

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

FINDINGS OF FACT: After staking-out and observing an armed robbery at a restaurant the officers fired their weapons at the suspects as they fled the scene in a vehicle. The stakeout location was adjacent to a residential neighborhood and an officer's errant bullets struck several nearby homes and grazed the shoulder of the complainant, as she lay asleep in bed. Officers are required to use extreme care when discharging their weapons so as not to endanger people or property. The actions of the officers raise concerns as to the reasonableness and safety of their conduct. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION 5: The officer used his firearm in violation of DGO 5.02

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

FINDINGS OF FACT: An officer has a duty of care to the community. Department General Order 5.02 requires officers to "...take extreme care when discharging their weapons so as to not endanger innocent persons or jeopardize property." The officer discharged his weapon into a moving vehicle before seeking cover to protect himself, thereby placing himself, as a witness in the parking lot and nearby residents, in harm's way. The officer stated that he fired in a direction away from the residences. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION 6: The officer used his firearm in violation of DGO 5.02

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

FINDINGS OF FACT: An officer has a duty of care to the community. Department General Order 5.02 requires officers to “take extreme care when discharging their weapons so as not to endanger innocent persons or jeopardize property.” The officer’s discharge of his firearm in this case was careless. He fired in reaction to hearing shots and without an assessment of who fired the shots or from where. He fired at a moving vehicle while chasing after it on foot. His shots flew so widely off the mark that they endangered innocent civilians. Projectiles penetrated buildings; one bullet entered the complainant’s bedroom and grazed her shoulder as she lay in bed. The Department has no record that the firearm the officer used has been approved or that the officer had ever been range-qualified with that weapon. By a preponderance of the evidence, the actions of the officer were improper.

SUMMARY OF ALLEGATION 7: The officer made inappropriate comments.

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

FINDINGS OF FACT: The officer denied or did not recall making the alleged comments. The witness officer denied hearing the named member make the alleged comments. The complainant’s statements about what was said corroborated each other. The comments made by the officer, however disagreeable, do not rise to the level of misconduct. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION 1: The officer failed to properly process a crime scene.

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

FINDINGS OF FACT: The evidence proved that 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 failed to properly process property.

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to provide his star number when requested.

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

FINDINGS OF FACT: The complainant stated that he and his sister, his brother and his brother's roommate were driving around his brother's neighborhood, stopping periodically to take photographs of the exterior of various residential units for use as evidence in a dispute that his brother was having with his landlord. An unmarked police car began following them, and when they were stopped at a corner to take photographs, this unmarked car pulled behind them and activated its red light. Two plainclothes officers exited the unmarked car, one of whom approached the driver's side of the complainant's car and questioned the complainant's brother, who was driving. This officer asked for and obtained the complainant's brother's identification. When the officer returned the identification, the complainant's brother repeatedly asked for the officer's badge number, but the officer failed to provide it. The complainant's brother and sister confirmed that the officer failed to provide his star number. The complainant's brother's roommate failed to respond to requests for an interview by the OCC. The officers who are listed in Department records as having contacted the complainant's brother stated they had no recollection of this incident. The complainant's brother observed the officer's badge hanging around his neck and recalled the badge number. A preponderance of the evidence established that the officer failed to provide his badge number when requested.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/03/07 **DATE OF COMPLETION:** 09/22/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 19, 2008.

SUMMARY OF ALLEGATION #2: The officer cited the complainant for a minor reason.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 19, 2008.

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DATE OF COMPLAINT: 12/06/07 **DATE OF COMPLETION:** 09/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used excessive force

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

FINDINGS OF FACT: The complainant stated the officer broke his wrist while handcuffing him. The officers at the scene and at the hospital stated the complainant had been in a fight, that he was combative, and that, at the hospital, he struck his hands against the wall. The named officer denied the allegation. A forensic pathologist examined the medical records and stated the injury was more likely caused by the complainant striking his hands against a surface than by an officer twisting the handcuffs. The allegation is unfounded.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/06/07 **DATE OF COMPLETION:** 09/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer operated a department vehicle in a negligent manner.

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

FINDINGS OF FACT: The complainant stated the officer drove an unmarked vehicle in a reckless and negligent manner. The investigation was unable to determine the driver of the vehicle.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/13/07 **DATE OF COMPLETION:**09/11/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT The complainant alleges the officer arrested him without cause. The evidence shows that the officer arrested the complainant for violation of a stay away order. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #2: The officer behaved inappropriately.

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

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

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DATE OF COMPLAINT: 01/02/08 **DATE OF COMPLETION:** 09/13/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION # 1: The officer interfered with the rights of on-lookers.

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

FINDINGS OF FACT: Due to a serious medical condition, the named member became medically unavailable for OCC questioning regarding the events surrounding the incident.

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

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

FINDINGS OF FACT: Due to a serious medical condition, the named member became medically unavailable for OCC questioning regarding the events surrounding the incident.

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DATE OF COMPLAINT: 01/02/08 **DATE OF COMPLETION:** 09/06/08 **PAGE#** 1 **of** 1

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

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

FINDINGS OF FACT: The arresting officers all denied planting drugs on the complainant or having any information that any other officer did so. There were no other identified witnesses. The investigation was unable to locate the complainant. There is insufficient evidence to identify the officer and reach a definitive finding on the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he was dispatched to a call of a family dispute between the complainant and a family member. The officer made contact with the complainant and observed objective symptoms of her being under the influence of alcohol and/or drugs. The officer stated the complainant had also threatened the lives of his family members. The officer determined the complainant was unable to care for himself and/or his safety, and placed him under arrest for 647(f) PC/422 PC. Both witness officers corroborated the complainant's level of intoxication and the threats made to his family members. Three witnesses also corroborated the complainant's level of intoxication and his verbal threats to them. A Superior Court Commissioner issued an Emergency Protective Order against the complainant to protect the three witnesses who feared the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2-3: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The officers denied the allegation. The officers corroborated the complainant was unsteady on his feet while yelling, "I will bring it to you" and attempted to advance on the sergeant on scene. The officers corroborated they were about to place the complainant into a control hold when the complainant fell forward and struck his face on the sidewalk. The witness officer corroborated the complainant was not pushed by the arresting officers, but fell straight onto his face due to his level of intoxication. The witness officer stated they documented the complainant's fall in the Use of Force log.

One of the witnesses stated she observed the complainant being belligerent with the police. The witness said it appeared the complainant pushed one of the police officers and they took him to the ground and handcuffed him. The witness stated the complainant hit his lip on the cement. The witness vehemently denied that the police used unnecessary force on the complainant. She stated, "They didn't hurt him! It's not as though they beat him or any of that kind of crap..." Another witness said prior to the incident, he and the complainant were forced to leave a local bar due to the complainant's level of intoxication and that he drunkenly fell on customers inside the bar. The medical witness corroborated the complainant was under the influence of alcohol based on his objective symptoms and the complainant admitted having two drinks. The medical witness said when he asked the complainant what had happened, the complainant responded in a scattered manner and mentioned something about his father, that he was running and fell. The medical witness said he could not recall any mention of the police being involved with the complainant's reason for falling. At one point during the medical evaluation, the medical witness said the complainant mentioned something to the effect of being punched by his father. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #4: The officer failed to process the complainant's property.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he identified the complainant on scene by his California Driver's License. The officer said he placed the complainant's driver's license back into his wallet, prior to transporting him to the hospital for medical evaluation. The named and witness officers corroborated they observed the complainant pull his identification out of his wallet numerous times to tell anyone, who would listen, of his locksmith occupation. The witness officer said, at one point, the complainant dropped his driver's license and several business cards onto the floor at the hospital. The witness officer said he picked them up and returned them to the complainant advising him to stop pulling items from his coat and to lie down. The medical witness said he may have handled the complainant's driver's license for identification purposes, and typically advises the patient he is placing the identification back into a pocket of the patient. 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: