

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/07 **DATE OF COMPLETION:** 12/07/07 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officers entered the residence without justification.

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

FINDINGS OF FACT: The complainants alleged the officers entered their residence without justification. All three complainants told the OCC a person living inside the residence had recently failed to appear for his felony sentencing hearing and had failed to turn himself in to the police. A valid arrest warrant was issued for the arrest of this individual at the address police entered. The officers denied the complainant's allegation. The officers' supervisors stated that members of the San Francisco Police Department Tactical Division conducted reconnaissance on the address. Based on reconnaissance, the officers knew the suspect lived with relatives at the address where police made entry. The officers made appropriate knock and notice efforts prior to entry. During the knock and notice process, the officers said they observed someone moving curtains or drapes at a window above the front door inside the residence. The officers reasonably inferred that a resident had seen them, but refused to open the front door. The officers were obliged to breach a barricaded front door to gain entry. The evidence proved that the acts provided the basis for the allegations occurred. However, such acts were lawful, and proper.

SUMMARY OF ALLEGATION #2: The officers detained the complainants without justification.

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

FINDINGS OF FACT: The complainant alleged the officers detained them without justification. The officers denied the allegation. One of the officers stated when he encountered one of the complainants, he asked her to show him her hands. When she complied, he moved on, searching for one of the wanted suspects hiding inside the house. The officers stated they were serving an arrest warrant at a residence where they had made prior entries for felony and homicide suspects. The officers detained the residents for the safety of all parties. When the officers arrested the wanted suspect, they released the residents and issued them Certificates of Release, per California Penal Code 849b.

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SUMMARY OF ALLEGATION #3: The officer discharged his weapon without cause.

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

FINDINGS OF FACT: The complainants alleged that a uniformed member of the Department's Tactical Unit discharged his weapon and shot a dog. Not all of the complainants or all of the officers inside the residence observed the shooting. Two of the co-complainants did not allow the OCC access to at least one of the witnesses residing inside the house. The OCC attempted to contact this witness and another witness residing inside the house, but the witnesses did not come forward. The officer denied the allegation. The officer stated his assignment was to serve a high-risk warrant, to secure the residence and to find the suspect inside. The officer said he was the first officer on the entry team. As the officer ascended the top of the front stairway along a narrow hallway, the officer described his encounter with a large pit bull dog, weighing approximately 100 pounds. The officer said the dog ran directly toward him from a nearby room. The officer stated the dog posed an immediate threat to him as well as his fellow officers. The officer assessed the dog as aggressive. The officer shot the dog once, hitting him in the jaw. The officer said that after he shot the dog, the dog ran away and posed no further threat to him or his fellow officers. The complainants contend that the dog was not aggressive, bark, or attempt to advance on the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officers threatened the co-complainants and another resident.

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

FINDINGS OF FACT: One of the co-complainants stated officers threatened her and a mentally disabled resident. When members of the San Francisco Police Department Tactical Division began to secure the residence, all of the complainants stated they were moved to another room during their detention. One co-complainant also alleged that the officers said her mentally disabled daughter did not cooperate and threatened to shoot her. Two of the co-complainants did not allow the OCC investigator to interview a potential witness residing in the same residence. The officers denied the allegation, stating that the co-complainant's mentally disabled daughter cooperated and understood their commands. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officers failed to provide information when requested.

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

FINDINGS OF FACT: The complainants stated officers failed to provide them with requested information. The complainants stated when their dog was shot by an officer, they immediately sought information on their dog's condition. The complainants alleged the police did not acquire timely medical attention for their dog. The shooting occurred shortly after the San Francisco Police Department Tactical Unit made entry in order to execute an arrest warrant inside the complainants' residence. The police had not secured the house when the officer shot the dog. The shooting occurred almost immediately after the officers entered the residence. The complainants expressed concern about their dog and made inquiries about the dog's condition to various officers throughout the execution of the warrant. The OCC was unable to identify the officers the complainants queried regarding the condition of their dog. Due to officer safety reasons, entry team officers were under no obligation to assist the complainants regarding their query until they secured the entire house. However, the officers summoned a supervisor to the scene. The supervisor provided the complainants with a full explanation regarding their dog's condition and ACC's transport of their dog to a local pet hospital. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a sworn member of the San Francisco Police Department.

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SUMMARY OF ALLEGATION #7: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer laughed at her as he wrote her a certificate of release. The complainant said she sought a release for her dog so she could retrieve him from Animal Care and Control's impound. The officer denied the allegation. He stated that he wrote certificates of release per Penal Code 849b for another officer as part of his duties. No witnesses came forward. 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:

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

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

FINDINGS OF FACT: The complainants said the officer told them to move from the sidewalk while standing in front of the club waiting for their friends. The officer said he had to tell the group more than once to move from the front of the club and to clear the driveway. Witnesses corroborated that they were standing in the driveway and were told to move more than once. The officer's duty in this 10B assignment included crowd control and per the club manager, that is why they hire the officers to handle crowd control among other duties to prevent fights and keep their customers safe. The officer had the authority to order the group to move on per DGO 5.03 E. for public safety reasons.

SUMMARY OF ALLEGATIONS #2: The officer used force against the complainant.

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

FINDINGS OF FACT: The complainant said the officer grabbed his arm and forcefully pulled him off the curb and toward the patrol car. The officer then twisted his arm behind his back and bent him over the hood of the patrol car. The officer said that he used reasonable force to detain the complainant and that was to grab him by the arm because he tried to avoid him when summoned. DGO 5.01 permits officers to use necessary force to accomplish taking someone into custody. There is insufficient evidence to prove or disprove that the grabbing of the complainant and placing him against the hood of patrol car for handcuffing was necessary. Some witnesses stated that while the others moved on to the parking lot the complainant remained on the driveway and edge of the curb. Everyone stated that they were asked to move on more than once. There was no complaint of pain and no injury. Other witnesses did not come forward.

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SUMMARY OF ALLEGATIONS #3: The officer brandished a weapon without justification.

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

FINDINGS OF FACT: The complainants stated the officer drew his weapon as one of them approached the officer to inquire what was happening. There is insufficient evidence to prove or disprove that the officer was justified in drawing his weapon for officer safety and fear that the complainant was going to be lynched. Witnesses stated that one co-complainant only asked why he grabbed the complainant as he held his hands up while approaching the officer. One witness stated the group was loud and took out their camera phones and were coming from both sides as the officer was dealing with the complainant alone. Other witnesses did not come forward. Another witness stated that two groups of young men approached the officer as the officer was issuing a citation to one of their friends.

SUMMARY OF ALLEGATIONS #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant and one co-complainant stated the officer used profanity during the incident. The officer denied the allegation. Two witnesses corroborated the allegation. Two witnesses were not sure if the officer used profanity or not. Three witnesses were not present when this part of the incident occurred. Per preponderance of the evidence, the officer violated DGO 2.01 Rule 14. Public Courtesy.

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SUMMARY OF ALLEGATIONS # 5: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was detained and said he was not standing on the street. The officer gave numerous orders for the group to move on and he had decided to cite the complainant who was blocking the driveway and in the street. Per witnesses and complainants the officer told them numerous times to move from the driveway. The officer had the authority to detain and cite anyone not complying with orders to clear the sidewalk and driveway. One witness stated as others moved on the complainant remained on the edge of the driveway. DGO 5.06 permits officers to cite and release.

SUMMARY OF ALLEGATIONS # 6: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the officer wrote him a citation only after he asked the officer for his name and badge number after being released from the detention. The officer denied the allegation. There were no witnesses to their conversation.

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

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

FINDINGS OF FACT: The complainant stated he was cited for violating CVC 21950 (b) and stated he was not in the street. The officer stated he cited the complainant for blocking the driveway and being on the street. Some witnesses stated they were on the sidewalk at all times. Two witnesses stated some of them were on the street talking to security and club manager and officer. The witnesses also stated that there was no traffic at the time and did not prevent anyone from exiting or entering the parking lot. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer arrested the complainant without cause on February 15, 2007.

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. The officers stated the complainant was arrested during an execution of a search warrant where narcotics were found.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment on February 15, 2007.

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

FINDINGS OF FACT: The identity of the transporting officers has not been established. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer authorized a strip search without cause on February 15, 2007.

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

FINDINGS OF FACT: The complainant stated he was strip searched. The officer denied the allegation. The strip search was authorized after the complainant was arrested for a parole violation where narcotics were found. The evidence proved that the acts which provided the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officers arrested the complainant without cause on February 23, 2007.

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

FINDINGS OF FACT: The officer denied the allegation. The officer contacted CDC and confirmed the complainant was on parole at the time of his arrest. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION # 5: The officer(s) strip searched the complainant without cause on February 23, 2007.

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

FINDINGS OF FACT: The complainant stated he was strip searched without cause. All of the officers involved in the arrest denied the allegation. The investigation has not established whether the complainant was in fact searched and by whom. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 6-7: The officers used force during the arrest on February 23, 2007.

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

FINDINGS OF FACT: The complainant stated that the officers dragged him to the holding tank at the time of his arrest. The officers denied the allegation. The officers stated the complainant resisted arrest by collapsing to his knees and making the officers carry him under his arms. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #8: The officer(s) failed to provide the complainant a reason for his arrest on February 23, 2007.

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

FINDINGS OF FACT: The complainant stated that the officer failed to provide a reason for his arrest. The officer denied the allegation. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer affected a traffic stop on the complainant without justification.

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

FINDINGS OF FACT: The complainant said he was driving a car with a rear license plate but no front license plate when he was stopped by the officer. The officer said he stopped the complainant because the car he was driving had no front license plate, which is a violation of the California Vehicle code. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant said the officer had the vehicle he was driving towed because he did not have a California driver's license. The complainant admitted that he had been a California resident for several months. The officer said the complainant's vehicle was towed pursuant to California Vehicle Code section 22651(P) because the complainant was a California resident but had failed to obtain a California driver's license within ten days of establishing residence in California, as required by law. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant said he asked for the officer's name and badge number, which the officer provided, but the officer said he was going to cite the complainant for additional violations if the complainant went "down that road." The officer denied the allegation and noted that he gave the complainant a ride home after which the complainant apologized for his behavior. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer made rude comments. The officer denied the allegation and noted that he gave the complainant a ride home after which the complainant apologized for his behavior. The named officer's unit history documents his transportation of the complainant to the complainant's home located one mile from the location of the traffic stop. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer threatened to use physical violence and to arrest the complainant.

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

FINDINGS OF FACT: The complainant said the officer threatened to use physical violence against him. The officer denied the allegation. Two civilian witnesses who were present said they did not hear what the officer said to the complainant. No other witnesses could be identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant said the officer used profanity. The officer denied the allegation. Two civilian witnesses who were present said they did not hear what the officer said to the complainant. No other witnesses could be identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said an officer whose name and star number he did not obtain threatened him. The complainant provided the number of the patrol car this officer and another officer arrived in. Department records indicated these officers were on another assignment at a different location at the time of this incident, and the officers assigned to this vehicle denied that they were present at the incident involving the complainant. The officer who detained the complainant said he did not see any other officers at the scene. Two civilian witnesses said they saw two officers talking to the complainant. There is insufficient evidence to identify the named officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant said an officer whose name and star number he did not obtain used profanity. The complainant provided the number of the patrol car this officer and another officer arrived in. Department records indicated these officers were on another assignment at a different location at the time of this incident, and the officers assigned to this vehicle denied that they were present at the incident involving the complainant. The officer who detained the complainant said he did not see any other officers at the scene. Two civilian witnesses said they saw two officers talking to the complainant. There is insufficient evidence to identify the named officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he parked his vehicle in front of the driveway to avoid the street sweeping detail. The officer denied the allegation by citing the Vehicle Code section 22500(e). The named officer did not affirm he received a complaint regarding the complainant's vehicle. The officer indicated he has received numerous complaints over the past two years in regards to the complainant's vehicle.

According to a MTA manager, a complaint must be received and verified before an officer can cite for blocking a driveway. A San Francisco Police Department Academy lieutenant stated officers are not required to receive a complaint for blocking a driveway and have the authority to issue a citation. There were no department bulletins or unit orders outlining specific enforcement procedures of blocked driveways. The MTA and San Francisco Police Department should meet and discuss conforming standards for enforcement of parking violations to establish consistent enforcement of the law. The evidence proved that the act by the member was justified by Departmental policy, procedure, or regulation; however, the Office of Citizens Complaints recommends a change in the particular policy, procedure, or regulation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers denied that the force used was excessive. Witness officers denied that the force use was excessive. All officers who witnessed the force said the force was necessary to prevent the complainant from striking the officer with a large metal car fender. The complaint admitted to having a fender in his possession at the time of the incident but denied threatening anyone with it and said the officer initiated the contact and provoked the situation. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #3: The officer used unnecessary force at the station.

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

FINDINGS OF FACT: The officer denied that the force used against the complainant at the station was excessive. No other officer witnessed the contact between the complainant and officer. There was no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer said the complainant was detained because he attempted to rob him and strike him with a large metal car fender. The complainant said he was approached by the officer without provocation and when he walked away the officer tackled him. A witness officer said the complainant approached the officer and began swinging a large metal car fender at him. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer said the complainant was arrested because he attempted to rob a plainclothes officer and strike him with a large metal car fender. The complainant said he was approached by the officer without provocation and when he walked away the officer tackled him. A witness officer said the complainant approached the officer and began swinging a large metal car fender at him. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officers said they were in a marked unit and were requested by plainclothes officers to initiate a traffic stop of the complainant's vehicle because it fit the description of a vehicle with a gun. No officer was identified as having requested the vehicle stop. Other officers on scene confirmed the report of a vehicle with a gun. A search of Department records did not disclose a report of a suspect in a car with a gun. There is insufficient evidence to determine whether or not the detention was justified.

SUMMARY OF ALLEGATION #3: The officer displayed her weapon without justification.

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

FINDINGS OF FACT: The officer denied pointing the gun at the complainant. There is inconclusive evidence as to whether justification for the traffic stop may have justified the officer's display of the weapon. Witness officers all denied seeing the named member point a gun at the complainant. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation

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SUMMARY OF ALLEGATION #4: The officer conducted a pat search without justification.

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

FINDINGS OF FACT: The officer said she was asked by an unidentified officer to conduct a pat search for weapons on the complainant. The complainant said she did not give any officer permission to search her. There is inconclusive evidence as to whether the justification for the traffic stop may have justified the officer's pat-searching the complainant.

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

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

FINDINGS OF FACT: The complainant denied giving any officer permission to search her vehicle. One of the officers on scene said the vehicle was searched because of a report that a vehicle matching the description of the complainant's vehicle was involved in a drive-by shooting. The officer also said the complainant gave officers permission to search her vehicle. A second officer recalled the vehicle being searched. All the officers identified as being on the scene denied participating in the search and could not identify any officer that was involved in the search. There is insufficient evidence to identify the searching officer. There is inconclusive evidence as to whether justification for the traffic stop may have justified the officers' search of the vehicle.

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SUMMARY OF ALLEGATIONS #6-7: The officers made inappropriate comments.

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

FINDINGS OF FACT: The named officer denied making the alleged comments. The other officers at the scene denied making the alleged comments, and all officers denied hearing any officer make the alleged comments. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officers denied being asked for their identification. Other officers at the scene denied being asked for their identification or hearing the complainant ask any officer for their identification. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant said the detention lasted over 30 minutes. The detaining officers denied that the stop was prolonged. A search of Department records was inconclusive as to whether or not the detention was prolonged. There is insufficient evidence to prove or disprove the allegation.

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to provide adequate police services.

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

FINDINGS OF FACT: The complainant, the attorney for the family of a homicide victim, said he believes the San Francisco Police Department had at one time stationed an officer at the community center where the victim was killed, but this officer was not present at the time of the homicide. The complainant said he believed the Department failed to provide adequate security at this location. The officer who commanded the district at the time the homicide occurred said the Department never maintained a fixed post assignment at this location. The commander said that in response to acts of violence in the Western Addition, extra police resources were assigned to the area, although he did not recall a specific strategy to deal with violence in and around this community center. The evidence established that the San Francisco Police Department never had an officer assigned to this community center, but had assigned extra police resources to the neighborhood in which the center was located, and that therefore the Department had not failed to provide adequate police services.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated the complainant was driving a vehicle that matched the description of a vehicle involved in a recent robbery. The officers further stated the complainant and his passenger matched the descriptions of the suspects. The officers' statements were confirmed by computer-aided dispatch information. The officers had the reasonable suspicion required to detain and question the complainant. The officer's conduct was proper.

SUMMARY OF ALLEGATIONS #3-7: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers arrested the complainant for possession of narcotics and other violations of the California Penal Code. The complainant acknowledged having illegal narcotics on his person and in plain view inside his vehicle. The officers had probable cause to arrest the complainant. The officer's conduct was proper.

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DATE OF COMPLAINT: 05/11/07 **DATE OF COMPLETION:** 12/06/07 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #8-10: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The officers stated they searched the complainant after observing illegal narcotics in plain view inside the complainant's vehicle. The complainant acknowledged having illegal narcotics in plain view inside his vehicle. The officer's conduct was proper.

SUMMARY OF ALLEGATIONS #11-13: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The officers stated they searched the complainant's vehicle after observing illegal narcotics in plain view inside the complainant's vehicle. The complainant acknowledged there were illegal narcotics in plain view inside his vehicle. The officers had probable cause to search the complainant's vehicle. The officer's conduct was proper.

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DATE OF COMPLAINT: 05/11/07 **DATE OF COMPLETION:** 12/06/07 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #14-20: The officers searched the residence of the complainant's girlfriend without cause or consent.

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

FINDINGS OF FACT: The officers stated the complainant was on probation with a search condition, and the complainant had a key to this residence. The officers stated the complainant's girlfriend provided consent to the officers to search a room she identified as the complainant's. Inside that room, the officers located indicia that indicated that the complainant resided at that residence. The complainant stated his girlfriend did not want to cooperate with the investigation of this complainant and she did not respond to contact attempts. According to court records, the complainant was on probation at the time of his arrest. The officers did not need consent to conduct a probation search. The officer's conduct was proper.

SUMMARY OF ALLEGATIONS #14-20: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The officer seized contraband during a lawful probation search. The officers' conduct was proper.

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

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

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

FINDINGS OF FACT: The comments alleged and admittedly made by the officer were not inappropriate.

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

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

FINDINGS OF FACT: The officer denied making the alleged comment. A witness officer denied hearing the officer make the comment. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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DATE OF COMPLAINT:06/14/07 **DATE OF COMPLETION:** 11/21/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officers arrested her son without cause. The officers stated they arrested the complainant's son for public intoxication, possession of stolen property and possession of drug paraphernalia. The complainant's son has not come forward. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers failed to administer sobriety test.

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

FINDINGS OF FACT: The complainant alleged the officers failed to administer sobriety test. The officers said they could not conduct a sobriety test because the complainant's son was not driving his vehicle when they arrested him. The evidence proved that the act, which provided the basis for the allegation was justified, lawful and proper.

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DATE OF COMPLAINT: 06/14/07 **DATE OF COMPLETION:** 11/21/07 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The basis for this allegation is that the officers left the vehicle the complainant's son was in at the scene of his arrest. The officers stated they did not tow the vehicle because it was not needed for evidence and that they left it at a location where it was legally parked. Department General Order 9.06 allows officers the discretion to tow a vehicle if the vehicle is parked in a place that will be legal to park for 24 hours. The evidence shows it was legal to park the car at its location. No witnesses came forward. The evidence proved that the act, which provided the basis for the allegation was justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/20/06 **DATE OF COMPLETION:** 12/13/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: Unwarranted Action for issuing a citation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** Policy Failure **DEPT. ACTION:**

FINDINGS OF FACT: The complainant, a taxi driver, stopped her taxi in a bus zone to unload a passenger. She was issued a citation by an SFPD officer for violating San Francisco Traffic Code Section 62A that prohibits any vehicle from parking or stopping in a bus zone. The San Francisco Department of Parking and Traffic has a written policy that permits taxicabs to pickup and drop off passengers in the bus zones. San Francisco Police Department's Taxicab Detail has also endorsed this practice of permitting taxi drivers to pick up and drop off passengers in the bus zone. Because of conflicting practices and procedures, the finding is a policy failure. The Office of Citizen Complaints recommends that the Taxi Commission, the Municipal Transportation Agency, and the Taxi Detail of the San Francisco Police Department meet with any other relevant stakeholders to formulate a written policy concerning taxicab use of bus zones.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at her and at her passenger, and threatened her with a moving violation she did not deserve. However, she did not have the passenger's name, or any means of contacting her passenger, and she knew of no other witnesses. The officer denied the allegations. He also did not know of any witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/20/06 **DATE OF COMPLETION:** 12/13/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #1: Unwarranted Action for interfering with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant stated that the officer told her passenger to leave. However, she did not have the passenger's name, or any means of contacting her passenger, and she knew of no other witnesses. The officer denied the allegations. He also did not know of any witnesses. There is no way to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information. One officer questioned in the matter denied involvement and denied the allegation. There is insufficient evidence to determine the officer involved or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/11/07 **DATE OF COMPLETION:** 12/14/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers detained the complainant.

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

FINDINGS OF FACT: The complainant said that she was detained by officers and questioned. The officers stated that they had contact with the complainant, but did not detain her. The officers stated they conducted a well-being check on the complainant's children. The CAD documents that a concerned citizen called police about the children. A report was made documenting the contact and a copy forwarded to Child Protective Services.

SUMMARY OF ALLEGATION #3-5: The officers made inappropriate comments and exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers asked her inappropriate questions, made unnecessary remarks, threatened to take her children and accused her of being on drugs. The officers denied the allegation. The complainant's husband did not want to come forward. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

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

FINDINGS OF FACT: The officer acknowledged he made the statements alleged by the complainant but denied preventing the complainant from leaving by blocking him in with his motorcycle. The witness interviewed could not confirm the officer's motorcycle was parked in such a way as to prevent the complainant from leaving the scene. DGO 9.01 affords the officer the discretion to admonish and states the officer cannot allow the attitude of the violator to effect his decision to cite. The officer described the complainant's demeanor as irritated and annoyed and the officer issued no citation.

The investigation found there was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/26/07 **DATE OF COMPLETION:** 12/18/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/27/07 **DATE OF COMPLETION:** 12/14/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer threatened him, made unnecessary comments including a homophobic comment, the complainant believes that the officer is connected with the Building Inspection Department causing his permits to be suspended, and that the officer had something to do with him being attacked that evening. The officer denied the allegation. The witnesses refused to come forward. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he did provide a safe pathway for pedestrians and submitted photographs to document same. The officer stated that the complainant was out of compliance and also submitted photographs. Per Traffic Code Section 194.3 (a) and the photographs, the complainant was in violation. Therefore the issuance of the citation was proper.

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DATE OF COMPLAINT: 07/27/07 **DATE OF COMPLETION:** 12/13/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated a patrol car pulled up to an intersection, drove in a reckless manner at a high rate of speed against a red light without lights and a siren. Officers who were identified as potentially involved denied the allegation. The complainant did not have any identifying information. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/31/07 **DATE OF COMPLETION:** 12/04/07 **PAGE # 1 of 2**

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

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

FINDINGS OF FACT: The named and one witness officer denied the allegation, stating that the officer struck an arrestee in self defense and to control a volatile situation when the arrestee made a fist and resisted arrest. The arrestee did not recall the incident. Three witnesses saw the arrestee resist arrest but said the use of force was excessive. Six other witnesses who saw the incident said they did not see any resistance by the arrestee. Two witnesses said they saw a man move his hand toward an officer's head, apparently to grab the officer's hat, but did not see the officer strike anyone. Nine officers who arrived at the scene did not observe any use of force. Video evidence of the incident indicated the arrestee resisted arrest, but did not contain a complete record of the incident and included no record of the use of force. There were numerous discrepancies in witness accounts of the incident. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer filed an inaccurate Incident Report.

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

FINDINGS OF FACT: The named officer and one witness officer denied the allegation. Nine witness officers said they did not see the alleged facts disputed by the complainant. The complainant and the co-complainant presented differing accounts of some facts surrounding the incident. There were discrepancies among numerous witness accounts of the incident, specifically surrounding the facts in dispute. A video submitted as evidence did not contain a full account of the incident. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/31/07 **DATE OF COMPLETION:** 12/04/07 **PAGE # 2 of 2**

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take an OCC complaint.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he had been approached by someone complaining and tried to tell the person how to complain. Eleven other officers who responded to the incident denied being asked to take a complaint. No witnesses came forward. There is insufficient evidence to identify the involved officers or to either prove or disprove the allegations.

SUMMARY OF OCC-Added ALLEGATION #1: The officer failed to conduct an immediate use of force investigation.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he conducted a preliminary evaluation as required by the DGO, speaking to the parties involved and determining that the use of force was justified. The named officer acknowledged the subject of the use of force would not cooperate and he spoke to no witnesses to the use of force beside the named officer and his partner. The named officer stated that he did not go to the scene of the incident as potential witnesses would have left by the time he was free to go there. The named officer stated he also was not informed of any witnesses who had written complaints to the owners of the location where the use of force took place. Numerous officers who responded to the scene said they did not see the use of force. There is insufficient evidence to determine if other witnesses to the incident were available for interview by the named officer. There is insufficient evidence to prove or disprove the allegation.

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

CATEGORY OF CONDUCT: UA **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 officers used inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer yelled at him and told him he had an attitude. The officer stated he did not yell or told the complainant he had an attitude. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to take him off the Taxi List and to tow his vehicle. The officer stated he did not make any threats to the complainant regarding removing him from the Taxi List or to tow his vehicle. There were no witnesses at the scene. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION # 3: The officer used selective enforcement in racially profiling the complainant.

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

FINDINGS OF FACT: The complainant stated he is Muslim and felt that the officer pulled him over because of his race. The complainant also stated he felt the officer conducted racial profiling on him because he wore a traditional Muslim apparel, while driving his car. The officer denied the allegation. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer should not have issued a citation to him for not having his California Driver's License (CDL) on him while driving his vehicle. The officer stated the complainant did not have his California Driver's License on him while operating a motor vehicle. There is no dispute the complainant failed to carry or have on him his driver's license, which is required per the California Department of Motor Vehicle's (DMV) Code 12951 (a) cvc. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION # 5: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officer should not have detained him, because he felt he did not violate any laws. The officer stated the complainant's vehicle did not have any front and rear license plates on the comp's car. The officer also stated the complainant did not have his California Driver's License (CDL) on him at the time he was operating his motor vehicle. There were no witnesses to the incident. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated officers behaved inappropriately. The complainant stated an officer in charge wrote a negative e-mail about him. The officers remain as unknown officers due to a lack of information and identification. The officer in charge stated he did not do any character assassination or write a negative e-mail about the complainant. The officer stated he responded to the community about the neighborhood needs and welfare. Witnesses did not corroborate the complainant's statements. There is insufficient evidence to prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers were inattentive to their duties.

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

FINDINGS OF FACT: The complainant stated he went up to officers on the street but was offered no help or assistance. The complainant also stated a female plain-clothes officer at the station ignored him and would not take a police report. Furthermore, the complainant stated this female officer was preoccupied with doing her crossword puzzles while on the job at the front desk. The officer stated she recalled making contact with the complainant, but denied she was inattentive to her front desk duties as station duty officer. There were no witnesses who observed or corroborated the complainant's statement. There is insufficient evidence to prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he went up to a marked patrol unit and no assistance was provided to him. The complainant was unable to provide further identification on these officers and, or marked police units. There were no witnesses who corroborated the complainant's statement. An officer recalled the complainant making contact with officers who were conducting a detention and who could not assist the complainant as they were engaged in the detention. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force in the arrest of the complainant

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

FINDINGS OF FACT: The complainant alleged the officer used unnecessary force while placing him into custody prior to transportation to San Francisco General Hospital under a W & I Sec. 5150 hold. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #2: The officer detained the complainant under W & I Sec. 5150 without cause.

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

FINDINGS OF FACT: The complainant stated the officer wrongfully detained him under the W & I Sec. 5150 statute and alleged he was under the influence of narcotics at the time of his detention. The officer stated that during her contact with the complainant, she found he was unable to care for himself and that he needed to be detained under the terms of the statute. The Office of Citizen Complaints obtained a medical release from the complainant and reviewed the pertinent medical documents from San Francisco General Hospital's Psychiatric Emergency Services. The medical documents confirmed the named officer's reason for the detention. The detention was proper.

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

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

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

San Francisco General Hospital
Institutional Police
1001 Potrero Avenue
San Francisco, CA 94110

SUMMARY OF ALLEGATION #: .

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

FINDINGS OF FACT :

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

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

FINDINGS OF FACT: The officer had no recollection of this incident, due to the high volume of customers and numerous contacts as the Station Duty officer. There were no known witnesses to the contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The officer had no recollection of this incident, due to the high volume of customers and numerous contacts as the Station Duty officer. There were no known witnesses to the contact. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to maintain required information.

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

FINDINGS OF FACT: The officer had no recollection of this incident, due to the high volume of customers and numerous contacts as the Station Duty officer. There were no known witnesses to the contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer's enforcement was selective.

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

FINDINGS OF FACT: The complainant was stopped and cited for speeding. During the traffic stop, the complainant alleged that the officer failed to stop other motorists who were traveling over the posted speed limit. The officer stated that he did not stop the other motorists who were traveling over the posted speed limit because he was still dealing with the complainant at the time. In addition, the officer stated that the other motorists' speed was not considered excessive. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

SUMMARY OF ALLEGATION #2: The officer had a rude demeanor and/or attitude.

CATEGORY OF CONDUCT: D **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: 09/26/07 **DATE OF COMPLETION:** 12/07/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer refused to check the amplitude of the megaphones used by the street protesters or to do something regarding the noise created by the protesters. The officer stated that he did check the amplitude of the megaphones and it did not exceed the limits set by the local ordinance. The officer also stated that he monitored the noise level and the activity of the said protesters and it was clear that they were operating within the confines of the law. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at him and made some comments, which the complainant felt were inappropriate. The officer denied acting in the alleged manner and making the alleged comments. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/01/07 **DATE OF COMPLETION:** 12/19/07 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer pushed and shoved him and threw his bike to the ground. The witness of this event acknowledged he observed the officer hit the complainant's bike with the front tire of his motorbike, but could not confirm if the officer hit the complainant's body. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity towards him during the contact. The officer denied the allegation. There were no witnesses who were in close proximity to overhear any specific conversation. 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: 10/01/07 **DATE OF COMPLETION:** 12/19/07 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3-4: The officer made inappropriate comments and engaged in threatening behavior towards the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer acted in a threatening manner towards him and screamed at him during the contact. The officer denied the allegation. There were no witnesses who were in close proximity to overhear any conversation. There is insufficient evidence to either prove or disprove the allegation made in the complaint. The identity of the other officer has not been identified and the complainant was unable to provide any additional information.

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:** 12/10/07 **PAGE#** 1 of 1

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

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 December 04, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/06 **DATE OF COMPLETION:** 12/17/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-4: The officers made derogatory comments to the complainant during the arrest.

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

FINDINGS OF FACT: The officers denied making derogatory comments to the complainant during the arrest. The witness stated he was on the other side of the vehicle and could not hear any comments made to the complainant during the arrest. The other officers involved in the pursuit had no communicative interaction with the complainant. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5-8: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated he fled from the police because he was scared of being arrested for a violation of parole. The complainant said he had no intention of moving from his car after the pursuit.

The officers denied the allegation, stating necessary force was used to affect the arrest of the complainant. The officers had reasonable cause to believe the complainant to be arrested had committed a public offense. The complainant was clearly attempting to escape and evade capture. One of the named officers stated the complainant was difficult to control and the assistance of numerous officers was necessary to take the complainant into custody. The involved officers stated the complainant resisted, struggled, and flailed around on the ground in an attempt to escape arrest. The witness said he could not see or hear anything that happened with the complainant. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/06 **DATE OF COMPLETION:** 12/17/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #9-14: The officers failed to follow Departmental Pursuit Policy 5.05.

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

FINDINGS OF FACT: The complainant stated he fled from police to avoid capture and face a parole violation. The complainant said ramming his car was unnecessary and the officers should have backed off during the pursuit.

The named officers denied the allegation, stating they followed the pursuit policy to the best of their ability. The named officers had knowledge that the complainant's vehicle had eluded the police earlier that same day and the vehicle had a DOJ Felony Want. A police unit had identified the suspect as a person wanted for various violent felony charges.

Five of the named officers stated they observed the complainant intentionally ram into a police unit. The complainant's statements regarding the alleged ramming by the police was factually flawed and inconsistent. The witness stated he pled with the complainant to stop the car and accept the consequences of going to jail, to no avail.

The officers and monitoring supervisors stated they followed DGO 5.05 in an appropriate manner. The complainant used aggressive and life-threatening tactics during the pursuit, however there is a dispute as to whether the complainant rammed the officers or if the officers rammed the complainant's vehicle. It is also disputed as to how many San Francisco Police Department vehicles were involved in the pursuit. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/06 **DATE OF COMPLETION:** 12/07/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Hospital records show that the complainant was brought in to the hospital for treatment after acute alcohol intoxication brought him to the attention of the police, who brought him to jail for public intoxication. The complainant was injured while in jail, not while in police custody. This is at odds with the complainant's version of the event. The complainant admitted that before this event he was intoxicated, and continued to drink whisky despite this, giving him diminished credibility. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officers used unnecessary force on the complainant at the hospital.

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

FINDINGS OF FACT: Hospital records show that the complainant was brought in to the hospital for treatment after acute alcohol intoxication brought him to the attention of the police, who brought him to jail for public intoxication. The complainant was injured while in jail, not while in police custody. This is at odds with the complainant's version of the event. The complainant admitted that before this event he was intoxicated, and continued to drink whisky despite this, giving him diminished credibility. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/07 **DATE OF COMPLETION:** 12/05/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer stated he detained the complainant pursuant to an order by his supervisor. The officer stated his supervisor told him that the complainant was driving without a seatbelt and had a broken taillight. The officer's supervisor confirmed that he ordered this detention. The complainant acknowledged that he was driving without a seatbelt before he was detained. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The officer stated he cited the complainant pursuant to an order by his supervisor. The officer stated his supervisor told him that the complainant was driving without a seatbelt and had a broken taillight. The officer's supervisor confirmed that he ordered this citation. The complainant acknowledged that he was driving without a seatbelt before he was detained. The officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/07 **DATE OF COMPLETION:** 12/05/07 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer stated he handcuffed the complainant when the complainant refused to sign a citation for a moving violation. The complainant acknowledged that he refused to sign the citation. Department General Order 5.06 states that persons who refuse to sign a written promise to appear are subject to custodial arrest. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The officer stated he informed complainant he would be taken into custody if refused to sign a citation for a moving violation. The complainant acknowledged that he refused to sign the citation. Department General Order 5.06 states that persons who refuse to sign a written promise to appear are subject to custodial arrest. The officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/07 **DATE OF COMPLETION:** 12/13/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force against a female detainee.

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

FINDINGS OF FACT: The complainant stated he saw one officer kick a female in the back seat of a patrol car and a second officer pull the woman's hair and slam her head against the back seat of the patrol car. The female detainee stated she had been drinking that day and stated she was not kicked and her hair was not pulled. She stated one of the officers never exited the patrol car. Both officers stated the woman was arrested for being drunk in public. As they were transporting her to county jail, they heard a clanging sound coming from the back seat and pulled over. They discovered a cell phone in the woman's hand. Both officers stated the woman then began kicking the passenger officer. Both officers stated the passenger officer attempted to deflect the kicks with his leg. Both officers stated the complainant was laying down on the back seat and was halfway out the door when the driver officer exited the vehicle and pulled the woman back into the vehicle by her shoulders. Both officers denied using any force. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: Enroute to the county jail, the officer reported the starting mileage to the dispatcher. The ending mileage was not documented on the Computer-Aided Dispatch form. The officer stated that the ending mileage might be documented on the audiotape kept by the Emergency Communications Department (ECD). The booking card documents that the female detainee was booked into county jail eleven minutes after the officers began transporting her to county jail. If the omission did occur, it did not result in any harm to the detainee. ECD currently has a six-month backlog in providing audiotapes. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/07 **DATE OF COMPLETION:** 12/01/07 **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 officer was dispatched to a complaint made against the complainant by a civilian member of the Ground Transportation Unit (GTU). The GTU aide observed the complainant soliciting fares and driving a vehicle without license plates or a visible temporary operating permit. The GTU aide provided a written statement attesting to these facts. The officer also provided a printout of the complainant's citation/violation history that spans a 9-year period and consists of over 124 citations for the same violation. 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 harassed the complainant.

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

FINDINGS OF FACT: The complainant has a citation history at the airport that spans a 9-year period for the same violations. The complainant was observed by a GTU aide in the act of soliciting fares and driving a vehicle without license plates or visible temporary operating permits. Consequently, the aide requested police response. Based on the complainant's extensive citation history, many of the GTU staff members as well as the officer, recognize the complainant by sight. As the officer's contact with the complainant on the date in question was complaint based, there was no harassment. The evidence proved that the acts, which provided the basis for the allegations occurred, however such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/07 **DATE OF COMPLETION:** 12/05/07 **PAGE#** 1 of 1

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/07 **DATE OF COMPLETION:** 12/28/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an Incident Report.

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

FINDINGS OF FACT: The complainant stated her ex-boyfriend violated an existing restraining order personally served to him on a specific date. She further stated the officers refused to memorialize the alleged violation in a report. The officers denied the allegation. They said that upon their arrival at the complainant's apartment building, the restrained party was not present. The officers said they reviewed the restraining order and tried to interview the complainant, but she was too intoxicated to provide them with any helpful information regarding the alleged incident. There were no witnesses to the incident. 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: 11/03/06 **DATE OF COMPLETION:** 12/18/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant and co-complainant stated that they were arrested without cause. The named officers stated that they detained the complainant and co-complainant for being drunk in public. Documents prepared by the named officers describe the complainant and co-complainant as being intoxicated and unable to care for their own safety. The co-complainant who was detained, and two other individuals who were present and were also co-complainants could not be located for interviews by the OCC. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3 & 4: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant said the officers used unnecessary force on him. The named officers and his partner denied the allegation. Three other individuals who were present and were also co-complainants could not be located for interviews by the OCC. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/03/06 **DATE OF COMPLETION:** 12/18/07 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer made inappropriate comments to him at the scene of his detention. Three other individuals who were present and were also co-complainants could not be located for interviews by the OCC. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officers made inappropriate comments and used profanity.

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

FINDINGS OF FACT: The complainant stated that several officers made inappropriate comments and used profanity to him at the police station. An individual who was present and also co-complainants could not be located for an interview by the OCC. No other witnesses were identified. The officers who were at the station at the time denied making inappropriate comments to the complainant or hearing other officers do so. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/07 **DATE OF COMPLETION:** 12/05/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to give the complainant a report number.

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 December 3, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/07 **DATE OF COMPLETION:** 12/12/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant failed to contact the Office of Citizen Complaints. The identity of the alleged officer has not been established. The complainant raises matters not rationally within OCC jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/07 **DATE OF COMPLETION:** 12/05/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer applied the handcuffs too tightly.

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

FINDINGS OF FACT: The complainant's friend stated he did not hear the complainant complain about tight handcuffs. The officer's partner stated the complainant complained that the handcuffs were too tight and the named officer checked the handcuffs again and double-locked them. The named officer's partner further stated that the handcuffs were not loosened because the handcuffs were already loose enough. The named officer, who handcuffed the complainant, is no longer with the Department and was not available for questioning.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/29/07 **DATE OF COMPLETION:** 12/18/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant provided an incorrect date of birth on his complaint form, as well as an invalid address. The complainant also falsely alleged he was a juvenile at the time of his arrest. The complainant has no local address and has not responded to the OCC since this complaint was filed two months ago. The incident report stated the complainant was detained without incident. An investigation could not be conducted without the complainant's cooperation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/28/06 **DATE OF COMPLETION:** 12/05/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1 & #2: The officers entered the complainant's residence without justification.

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

FINDINGS OF FACT: The officers were conducting a parole search of a recently arrested person who had control of the part of the residence, and entered with proper authority.

SUMMARY OF ALLEGATION #3 & #4: The officers searched the complainant's residence without justification.

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

FINDINGS OF FACT: The officers were conducting a parole search of a recently arrested person who had control of the part of the residence, and searched with proper authority.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/28/06 **DATE OF COMPLETION:** 12/05/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #5 & #6: The officers failed to secure the complainant's residence after they left the residence.

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

FINDINGS OF FACT: The officers stated they secured the residence. There were no witnesses to the event. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 12/26/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued a citation 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 December 21, 2007.

SUMMARY OF ALLEGATION #2: The officer's behavior was intimidating.

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 December 21, 2007.

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DATE OF COMPLAINT: 10/10/07 **DATE OF COMPLETION:** 12/13/07 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated after she discovered that statements written by her neighbors were included in the Incident Report, she made this complaint, saying the report should have included statement written by her as well. The complainant acknowledged that she did not write a statement and did not tell the officer she wanted to write a statement. The officer stated the complainant never asked to prepare a written statement. The officer did not have a duty, under the Department's General Orders, to prepare a written statement by the complainant, especially when the complainant made no such request to the officer. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

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

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

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

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COMPLAINT SUMMARY REPORT**

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

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

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/07 **DATE OF COMPLETION:** 12/31/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that after an officer placed a 37A Tow notice on his motor home, someone repeatedly beat and jumped up and down on the motor home causing property damage to the vehicle. The complainant stated he never looked out of the motor home to see who was causing the damage to his vehicle. All officers denied the allegation. A witness (the original reporting party) stated she did not observe the contact nor did she hear the noise of anyone causing damage to a vehicle near her residence. 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: 11/13/07 **DATE OF COMPLETION:** 12/21/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was cited for excessive speed, tinted windows and no front license plate. The complainant stated her license plate was not attached to the front of the vehicle and her windows are tinted. However the complainant added she was not speeding. The officer and a witness officer stated the complainant was cited for no attached front license plate and for tinted windows. Both officers stated the complainant was not cited for excessive speed. A copy of the citation verified that the complainant was not cited for speed, but for the license plate and tinted window violations. The evidence proved that the act alleged did occur, however said act was lawful and appropriate.

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

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

FINDINGS OF FACT: The complainant stated the officer was rude and aggressive during the traffic stop. The officer denied the allegation. A witness officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/06 **DATE OF COMPLETION:** 12/14/07 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1: The officer towed a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle should not have been towed, because he had paid his registration fees but had not completed the process to receive the registration tabs. The California Vehicle Code and the San Francisco Police Department manual indicated that the officer was justified in towing the car because it was out of compliance with the requirement to have a current registration. The evidence proved that the acts that provided the basis for the allegation 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: 11/01/07 **DATE OF COMPLETION:** 12/14/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer towed his vehicle without justification.

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

FINDINGS OF FACT This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant requested a withdrawal 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: 11/01/07 **DATE OF COMPLETION:** 12/19/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to maintain control of a police horse.

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

FINDINGS OF FACT This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The 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: 11/27/07 **DATE OF COMPLETION:** 12/07/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant requested a withdrawal 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: 11/01/07 **DATE OF COMPLETION:** 12/13/07 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: CRD **FINDING DEPT.** NF/W **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: 11/01/07 **DATE OF COMPLETION:** 12/31/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: One co-complainant withdrew his complaint. The second co-complainant did not provide Office of Citizen Complaints with requested information needed to further the investigation to completion.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 12/28/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer seized property without justification

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

FINDINGS OF FACT: The preponderance of the evidence established that the claimant was on felony probation at the time the officer obtained information from a confidential reliable informant about the claimant's illegal sales of schedule three controlled substances. The officer then conducted a purchase directly from the claimant and conducted a probation search of his residence incident to his arrest at which time \$11,300 dollars were found and seized consistent with narcotics for sales arrests, and California forfeiture proceedings. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 12/05/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The claimant requested 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: 11/01/07 **DATE OF COMPLETION:** 12/28/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The claimant failed to respond to Office of Citizens Complaints requests for an interview in order to obtain necessary evidence to further the investigation and to determine if members of the San Francisco Police Department were involved in the matter.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 12/24/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 12/18/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 12/19/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The 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: 11/01/07 **DATE OF COMPLETION:** 02/13/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The officer is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/07 **DATE OF COMPLETION:** 12/17/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The director of a non-government organization presented the OCC with the list of names of the SFPD officers who allegedly were involved in police misconduct. The director told the OCC that he created the list based on multiple conversations with various (unidentified) individuals and he personally did not have any knowledge of any specific incident of police misconduct involving the listed officers. The director was advised to refer the persons with the knowledge of concrete incidents indicative of police misconduct to the OCC for further investigation. There is insufficient evidence to either prove or disprove the allegation.

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/07 **DATE OF COMPLETION:** 12/24/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was filed in connection with a claim against the San Francisco Police Department. The claimant did not respond to the OCC's written and telephone requests for an interview. The OCC investigation was unable to proceed without further information and cooperation from the claimant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/07 **DATE OF COMPLETION:** 12/07/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The claimant did not want to file an OCC complaint and requested the Office of Citizen Complaints withdraw the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/07 **DATE OF COMPLETION:** 12/28/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The claimant failed to respond to OCC requests for an interview in order to obtain necessary evidence to further the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/07 **DATE OF COMPLETION:** 12/07/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The claimant did not want to file an OCC complaint and requested the Office of Citizen Complaints withdraw the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/07 **DATE OF COMPLETION:** 12/20/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take a report

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/07 **DATE OF COMPLETION:** 12/06/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she requested an San Francisco Police Department Incident Report for a drug bust done by the Drug Enforcement Agency that occurred in June or July of 2004. The complainant observed San Francisco Police Department cars in the street that day and believes they were involved. The officers at the station were unable to locate any report; therefore she said the department was suppressing evidence. A search of department records did not disclose a San Francisco Police Department Incident Reports concerning the address in question. CAD Event History for the date in question is no longer possible due to the passage of time. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/07 **DATE OF COMPLETION:** 12/14/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The allegation raises matters outside the jurisdiction of the OCC. This complaint has been referred to the San Francisco Police Department Management Control Division.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

CATEGORY OF CONDUCT: ND **FINDING DEPT.** NF **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: 12/07/07 **DATE OF COMPLETION:** 12/17/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer intentionally damaged property

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

FINDINGS OF FACT: The complainant failed to provide additional requested information needed to further the investigation to completion.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: This complaint raises matters not within OCC's jurisdiction. It was referred for further investigation to:

Office of the District Attorney
850 Bryant Street, Rm 325
San Francisco, CA 941037

Office of the Public Defender
555 Seventh 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: 12/12/07 **DATE OF COMPLETION:** 12/12/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters not within OCC's jurisdiction. It was referred for further investigation to:

Sausalito Police Department
P.O. Box 35
Sausalito, CA 94966

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: This complaint raises matters not within OCC's jurisdiction. It was referred for further investigation to:

Youth Guidance Center
375 Woodside
San Francisco, CA 94127

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/07 **DATE OF COMPLETION:** 12/20/07 **PAGE#** 1 of 1

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

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

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

Long Beach Fire Department
Attn: Chief David Willis
925 Harbor Plaza Drive
Long Beach, CA 90802

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/07 **DATE OF COMPLETION:** 12/19/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: Department records show that the officer the complainant alleged to have failed to properly process his property was off-duty when the alleged police misconduct occurred. All of the officers questioned regarding this particular allegation denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Department records show that the officer the complainant alleged to have behaved inappropriately and/or made inappropriate comments toward him was off-duty when the alleged police misconduct occurred. All of the officers questioned regarding this particular allegation denied the allegation. 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: 01/03/07 **DATE OF COMPLETION:** 12/19/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer filed false charges.

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

FINDINGS OF FACT: Department records show that the officer the complainant alleged to have filed false charges against was off-duty when the alleged police misconduct occurred. All of the officers questioned regarding this particular allegation 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: 01/16/07 **DATE OF COMPLETION:** 12/06/07 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1-3: The officers entered and searched the residence without cause.

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

FINDINGS OF FACT: The complainant stated that several officers entered her residence, walked around the apartment and searched her son's room without a warrant. The named members stated that the complainant invited them inside the residence and the complainant's son led them to his room where they discovered narcotics in plain view. In the subsequent court proceedings, the court found that, during this incident, the officers took advantage of the fact that the complainant did not speak English. The OCC statements from all involved parties (five police officers, the complainant, her son, husband and daughter¹) as well as the court testimonies from the complainant and two narcotics officers were inconclusive, contradictory and lacking the necessary cross corroboration concerning the events of this incident. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-6: The officers detained and arrested the complainant's son without cause.

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

FINDINGS OF FACT: The complainant stated that the officers walked inside her residence and then detained and arrested her son without any legitimate cause. The named members stated that they arrested the complainant's son as a suspect in an aggravated assault and for possession of narcotics discovered in his room. In the subsequent court proceedings, the court suppressed narcotics evidence due to the questionable police entry into the residence. The OCC statements from all involved parties (five officers, the complainant, her son, husband and daughter) as well as the court testimonies from the complainant and two narcotics officers were inconclusive, contradictory and lacking the necessary cross-corroboration concerning the events of this incident. The available evidence was insufficient to either prove or disprove the allegation.

¹ The interviews with the complainant and her relatives were conducted in their primary language.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/07 **DATE OF COMPLETION:** 12/06/07 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #7: The officer towed the vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that, after arresting her son, the officers towed his vehicle without any legitimate reason. Neither the complainant, nor her son witnessed the tow. Five officers, who were involved in this incident, denied handling the tow of the said vehicle. The named member acknowledged that, as the senior officer at the scene, he authorized the tow because the vehicle could have evidence of the aggravated assault allegedly committed by the complainant's son. The DPT Tow Detail does not have on file a tow inventory slip for this tow. The available evidence was insufficient to determine whether, in fact, the tow of the complainant's vehicle was justified. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer seized property without justification.

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

FINDINGS OF FACT: The complainant stated that after arresting her son, one of the officers took his car keys from the apartment. The complainant's husband, who was present during this part of the incident, corroborated this statement. Neither the complainant, nor her husband could identify the officer who removed the key from the residence. All five officers involved in the incident denied taking the car key or handling the tow of the complainant's son's vehicle. The available evidence was insufficient to identify the officer responsible for the alleged misconduct and either to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/07 **DATE OF COMPLETION:** 12/06/07 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant stated that one of the officers “forcefully pushed” her aside when she was trying to get to her son who was being handcuffed at the time. The complainant could not identify the officer who used this force against her. The complainant’s son, who decided to remain as a witness in this complaint, corroborated his mother’s statement regarding the “push” and identified the named member as the one who used force. This officer told the OCC that he never used any force but “might have” placed his hand on the complainant’s shoulder trying to calm her down because she became very upset about the arrest of her son. Four other officers involved in this incident stated that they did not witness any force against the complainant. There were no other witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-12: The officers failed to provide names and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated that her husband asked the officers several times to give them their star numbers but the officers failed to do so. The complainant’s husband, who decided to stay as a witness in this complaint, corroborated his wife’s statement. He also stated that, although his command of the language was limited, the officers should have understood his words because he repeated the phrase “show your badges” in English several times. The named members did not recall anyone asking their names and/or star numbers during this incident. There were no other witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/07 **DATE OF COMPLETION:** 12/06/07 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #13-14: The officers engaged in an inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: All officers involved in this incident denied making any inappropriate comments at the scene. The statements from the complainant's husband and from her son were inconclusive and lacking in the necessary cross corroboration. The available evidence was insufficient to either prove or disprove the allegation.

OCC ADDED ALLEGATIONS

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

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

FINDINGS OF FACT: The allegation was raised because the incident related report had the wrong date and it did not mention anything about the car keys allegedly removed by the officers from the residence. The report writing officer stated that he indeed made "a mistake" putting the wrong incident date but aside from this, his report accurately and completely described the events of the incident. The officer denied having any knowledge as to the whereabouts of the complainant's son's car key. The OCC found that the officer made an error in the incident date but this error was harmless and it did not have any significant adverse affect on the complainant and/or her son. The available evidence was insufficient to conclusively determine whether, the officers in fact removed the car key from the residence and whether this action should have been documented in the related report. Thus, the available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/07 **DATE OF COMPLETION:** 12/06/07 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #2: The officer failed to properly supervise.

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

FINDINGS OF FACT: The allegation was raised because the senior officer who reviewed the related police report did not catch the error in the date of the incident. This officer stated that he reviewed the report “immediately” after it was prepared and he signed it by writing his name. According to this officer, he personally handled the documents, including the said report, during the rebooking of the complainant’s son three days after the incident. The officer acknowledged that he was able to catch the mistake in the report date only eight days after the occurrence when the OCC requested a copy. The OCC found that the officer indeed failed to correct, in a timely manner, an error in a police report prepared by one of his subordinates. However, this error was clearly unintentional and it did not have any significant adverse affect on the complainant and his son. Thus, the available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: