

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that the officer had his vehicle towed on two occasions without cause. The officer stated that he had the vehicle towed because on each occasion, it had ten unpaid citations. Department documents confirmed the officer's reason for the tow. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that the officer engaged in selective enforcement when he had the complainant's vehicle towed on two occasions. The officer stated that he had the vehicle towed because on each occasion it had ten unpaid citations. The officer stated that he had other vehicles in the area towed on the same dates. Department documents confirmed that the officer had other vehicles towed. The evidence established that the officer did not engage in selective enforcement.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/06 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainants stated that they were outside a store, where they had just bought coffee and then were met by friend who had recently been admonished by the officer to go home. The complainants said the officer was driving in their direction and the complainant's friend decided to go home so the complainants walked the other direction. As the officer drove by he yelled for them to go home and he did not want to see them in the streets or they would be arrested. The officer did not recall this incident specifically but in general responded that he moves along prostitutes who gather around businesses. There is insufficient evidence to prove or disprove the allegation. There were no other witnesses.

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

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

FINDINGS OF FACT: The complainants said that after they were told to go home they were walking and had not reached the second block when the officer detained because he was going to cite them. The officer did not specifically recall this incident. There is insufficient evidence to prove or disprove the allegation. There were no other witnesses.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/06 **DATE OF COMPLETION:** 01/16/07 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainants stated the officer mimicked them, made feminine gestures, and spoke in a feminine voice to mock them. The complainants also said the officer uses Spanish profanities and tells them to go back home because they are illegal. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation. There were no other witnesses.

SUMMARY OF ALLEGATION #4: The officer made sexually derogatory comments.

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

FINDINGS OF FACT: The co-complainant stated the officer made a derogatory comment as to her sexual orientation. The officer denied the allegation. The complainant was not able to hear this conversation as they were separated. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation .

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/06 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 3 **of** 3

SUMMARY OF ALLEGATION #5: The officer cited the complainant and co-complainant without justification.

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

FINDINGS OF FACT: The complainants stated that the officer cited them for trespassing. The officer did not recall this incident specifically but stated that if he cited the 25 MPC sign was enforceable. The signs posted at the business were blank and the owner said the signs have been blank a long time. Therefore, the officer wrote an invalid citation because the 25 MPC sign was not enforceable. The officer violated DGO 2.01 Rule 5. Performing Duties. Members shall perform their duties promptly and according to Department policies and procedures.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/06 **DATE OF COMPLETION:** 01/25/07 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that the officer detained her without justification. The officer stated that he observed the complainant involved in suspected prostitution related activity. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2: The officer entered the complainant's room without cause.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer lacked probable cause to enter the hotel room. The officer's actions were improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/06 **DATE OF COMPLETION:** 01/25/07 **PAGE# 2 of 4**

SUMMARY OF ALLEGATIONS #3: The officer issued an invalid order.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer ordered the complainant out of her hotel room and to leave the hotel premises without justification. The officer's actions were improper.

SUMMARY OF ALLEGATIONS #4: The officer made a sexually derogatory remark.

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

FINDINGS OF FACT: The complainant stated that the officer called her a sexually derogatory remark. Neither one of three witnesses nearby the incident were able to prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/06 **DATE OF COMPLETION:** 01/25/07 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5: The officer used force during the incident.

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

FINDINGS OF FACT: The complainant stated that the officer used force in an attempt to remove her from her hotel room. There were conflicting statements among witnesses outside the room in multiple locations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6: The officer behaved inappropriately and made threatening comments.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer inappropriately ordered hotel personnel to refund the complainant her hotel room fee, denied her access back into the room, and threatened to close the hotel. The officer's actions were improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/06 **DATE OF COMPLETION:** 01/25/07 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #7: The officer used profane language.

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

FINDINGS OF FACT: The complainant stated that the officer used profane language in the presence of two hotel employees. Neither witness was able to verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 01/23/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that the search was conducted while investigating violations of the law regarding operating a limousine. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer improperly seized the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the named officer took items that were personal property unrelated to the citation he received. The officer stated that he may have inadvertently seized a piece of paper unrelated to the citation but did not realize it until he was storing the evidence, because the paper was inside a booklet that was related to the citation. There were no witnesses to the seizure. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 01/23/07 **PAGE# 2 of 2**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/06 **DATE OF COMPLETION:** 01/30/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on January 19, 2007.

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

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

FINDINGS OF FACT: The complainant alleged the officer exhibited rude and inappropriate behavior, as was corroborated by his son and his son's friend. The officer denied the allegation, as was corroborated by his subordinate officer. There were no other witnesses. There is insufficient evidence either to prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/06 **DATE OF COMPLETION:** 01/30/07 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3: The officer conducted an unwarranted detention.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on January 19, 2007.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on January 19, 2007.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/06 **DATE OF COMPLETION:** 01/30/07 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer conducted an improper search and seizure.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on January 19, 2007.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on January 19, 2007.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/06 **DATE OF COMPLETION:** 01/12/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers stopped him while he was driving without justification. The complainant was cited for failing to signal a turn. The officer stated that they did not recall this incident. There were no known witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer wrongfully cited him for failing to signal a left turn. The officer stated that they did not recall this incident, and that when he received notice that the complainant had protested the citation, he asked that it be dismissed because he did not sufficiently recall the specifics of the incident enough to testify in Traffic Court. The named officer's partner stated that he did not recall the incident. There were no known witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/06 **DATE OF COMPLETION:** 01/12/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #4 & 5: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that the officers followed him as he was looking for a parking space, and stopped him for failing to signal a left turn. The complainant stated that he had signaled the turn, and believes the officers followed and stopped him based on his race and appearance. The named officers stated that they did not recall the specifics of this incident, but denied that their actions were based on the complainant's race or appearance. There were no known witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/06 **DATE OF COMPLETION:** 01/23/07 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The officer denied the allegation, stating she did not threaten or make inappropriate comments to the complainant. The officer said she told the complainant that he is certainly free to patronize the liquor store, however he could not loiter or hang out in front of the store. The officer informed the complainant that if he continued to loiter in front of the liquor store he could be booked and taken to jail, rather than cited for the offense. The officer said the citation she issued to the complainant had nothing to do with the fact that the complainant filed an OCC complaint on her in the past. The officer said, in fact, it was the complainant who told her his intention of filing an OCC complaint as a threat to her.

Three of the witness officers stated they did not hear the named officer threaten the complainant during the enforcement stop. Two of the witness officers said the named officer was professional during the stop, yet the complainant was verbally abusive to the named officer. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating she was simply enforcing the law and had cited the complainant two times for the same infraction over a stretch of time. The officer said she had admonished the complainant several other times without citing him. The officer stated the same action of enforcement would be taken with anybody else and she has likewise admonished others regarding loitering at the liquor store.

The owner of the liquor store commented that he has called the police on the complainant many times for loitering and the complainant is a big problem in the area. Two of the witness officers stated the complainant has a history of loitering, narcotics sales, and fighting the police. Three witness officers said they did not hear the named officer harass the complainant during the enforcement stop. 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: 05/04/06 **DATE OF COMPLETION:** 01/23/07 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The officer denied the allegation, stating she observed the complainant in front of the liquor store and returned approximately 34-45 minutes later to find the complainant still loitering in front of the store. The officer said she had previously cited the complainant for loitering and had admonished the complainant on numerous occasions for the 25MPC-Loitering offense.

The owner of the liquor store relayed that he has called the police on the complainant many times for loitering and the complainant is a big problem in the area. Two of the witness officers stated the complainant has a history of loitering, narcotics sales, and fighting the police. The complainant admitted that the named officer has told him to stay away from the liquor store or she would arrest him. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer issued an invalid order.

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

FINDINGS OF FACT: The officer denied the allegation, stating she has had numerous contacts with the complainant, generally regarding loitering at various liquor stores in the Bayview district. The officer said the owner of the liquor store has complained that the complainant is causing problems and did not want the complainant loitering around the area. The officer said the liquor store is located in a high trafficking drug area and the store has "No Loitering" signs posted. The officer stated she has verbally admonished the complainant for loitering over a four-year period and the complainant is fully aware of the admonishments. Two witness officers said they are aware of the complainant's history of loitering. The complainant admitted that the named officer has told him to stay away from the liquor store or she would arrest him. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/06 **DATE OF COMPLETION:** 01/23/07 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer performed a pat search without cause.

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

FINDINGS OF FACT: The officer stated she did not recall whether she performed a pat search on the complainant or whether an assisting officer performed the pat search. The officer said a pat search would have been performed for officer's safety during a legal detention. The officer stated the complainant was not complying with her orders during the verbal contact. The complainant was backing up and away from her while inquiring why he was being stopped. The officer stated the complainant's resistance prompted her to request additional units for back up. The named officer said she is aware of the complainant's criminal background and his propensity to resist police officers.

The witness officers stated they were not involved in performing a pat search on the complainant. However, two witness officers said the complainant was verbally abusive and combative towards the named officer. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer issued a citation based on retaliation.

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

FINDINGS OF FACT: The officer denied the allegation, stating the citation issued to the complainant was not a retaliatory act against him. The officer stated the loitering citation was appropriate. The officer said this was based on the posted signs of 25MPC-No Loitering, and the fact that she has admonished the complainant for the same offense on numerous occasions. The officer said the complainant failed to comply with her admonishments and she took enforcement action to enforce the loitering violation.

The owner of the liquor store commented that he has called the police many times on the complainant for loitering and the complainant is a problem in the area. Two witness officers acknowledged the complainant has a history of loitering, narcotic sales, and fighting with the police. The complainant admitted the named officer told him to stay away from the liquor store. 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: 05/04/06 **DATE OF COMPLETION:** 01/23/07 **PAGE#** 4 **of** 4

SUMMARY OF ALLEGATION #7: The officer displayed his weapon without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating he drew his weapon because he felt it necessary for his safety and the safety of others. The officer stated he responded to assist an officer with a 'suspicious person' radio call. The officer said he could not see the complainant's hands. Once the complainant complied, the officer reholstered his weapon.

The citing officer stated the complainant was not complying with her verbal commands while retreating away from her approach. The citing officer reported on the radio that the enforcement stop could result in a possible 148 PC-Resisting. Two witness officers said the complainant was verbally abusive and combative toward the citing officer. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/05 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that the officer pursued her fiancé until the fiancé's vehicle collided with another vehicle. The officer then fired into the fiancé's vehicle 7-9 times, walked up to the side of vehicle and fired directly at the complainant's fiancé, killing him. The officer stated he was assigned to an overtime detail as a solo motorcycle officer conducting citywide traffic enforcement, primarily focused on violations of child safety restraint laws. While waiting for a signal to change, the officer noticed the driver of a white SUV was driving without his seat belt fastened. The SUV turned and passed the officer. The officer made a U-turn and followed the SUV, activating his emergency lights and siren. The SUV pulled over. As the officer dismounted his motorcycle, he transmitted the license plate of the vehicle and approached the driver of the vehicle. The officer identified himself to the driver and asked for a driver's license. The man said he did not have a driver's license. The man pulled out a wallet, but put it back into his pocket and explained to the officer that the wallet was his friend's wallet. While the officer and the man were talking, dispatch transmitted that the vehicle was "1030" (stolen vehicle). The officer said that his facial gestures or something he said reflexively may have alerted the man; the man said something, then put the vehicle in gear and accelerated. The rear tire of the vehicle ran over the tip of the officer's boot. The officer was not injured as a result of the tire running over his boot. The officer called in a "Code 33" to dispatch, then mounted his motorcycle and initiated pursuit of the SUV. Dispatch responded, but the officer did not remember what was said. The officer saw a marked police unit make a U-turn, activate its emergency lights and siren and pursue the fleeing suspect. The officer stated he stayed behind the pursuit, being careful not to get hit by other police vehicles who might have joined the pursuit from side streets. The driver of the SUV slowed down at intersections in his path, but he entered the intersections against the red light. At one intersection, the SUV just ran through the red light and caused near-collisions with several vehicles. The SUV turned left into an alley, ran the stop at the end of the alley, and turned left onto a major street. The officer described the SUV as going "way too fast." The officer was held up in traffic, so he briefly lost sight of the SUV. When the officer caught sight of the SUV again, he was surprised that the SUV was not further away. The officer surmised that there must have been some kind of accident, which slowed the SUV. The officer stated that the SUV was traveling at a high rate of speed and swerving to the left and right. The officer was in the right hand lane, which he felt was the safest position. He stated that the marked police vehicle was traveling in the left lane, about half a block ahead of him. The officer said he saw the marked patrol vehicle pull sharply to the left; he stated that he thought at the time that the patrol vehicle may have been in a collision. The officer decided to continue the pursuit, hoping that the district station, only two blocks away, would send assistance in a short time. The officer stated that he anticipated that, based on his observations of the SUV driver's recklessness, there was likely to be a serious accident at any moment.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/05 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 2 of 5

FINDINGS OF FACT (Continued): The officer stated that, during the pursuit, he could not hear any radio traffic through the single speaker in his helmet over the noise of his engine and siren and the ambient noise of traffic. He stated that he did not hear the dispatcher calling off the pursuit. The SUV turned and proceeded on the wrong side of the right-of-way, causing a near head-on collision with another car. At this point, the SUV was a block ahead of the officer. The officer stated he saw a puff of smoke to his left and several pedestrians standing on a corner and looking down a side street. The officer looked to his left and entered the side street. The officer said he saw that the front end of the SUV was up on a parked car. The officer parked his motorcycle and dismounted to the right side, thinking the pursuit was over. He saw that the driver was still in the driver's seat and was frantically trying to turn the wheel to get off the vehicle he was stuck on. The officer stated that there was smoke coming from the SUV and the engine was running fast. The officer stated he repeatedly yelled commands to the driver to stop or get out, but the driver continued to attempt to dislodge the vehicle. The officer stated that the normal course of action for a driver who had been pursued by the police and had come to rest in a collision would have been either to give up or to get out of the vehicle and run. According to the officer, the driver of the SUV, however, appeared to be trying desperately to dislodge the vehicle in order to continue his reckless flight. The officer stated that the driver's behavior led him to believe that he was not going to surrender, and that his actions posed a deadly threat to the officer and to other persons in the immediate vicinity. The officer believed that, if the driver dislodged his vehicle and continued to drive with reckless disregard for the safety of others, he would cause a serious collision. The SUV finally pulled off the parked vehicle and backed toward the officer, who was standing 10-15 feet directly behind the SUV. The officer fired three shots at the rear of the vehicle. Just after the initial shots, the SUV came off the vehicle it was stuck on and moved backward toward the officer in a reverse arcing motion to its left. The officer continued to fire 3-4 more rounds through the right rear passenger window. The SUV collided with another car and came to rest in an elevated position with its left rear fender and wheel up against the second car. The engine was revving and the tires smoking. The officer's shots struck and killed the driver of the SUV. The other officers involved in the pursuit stated that, as they pursued the SUV, the driver drove recklessly, ran red lights, swerved as if to deliberately cause a collision to distract the officers, and in fact collided with another car during the pursuit. Witnesses near the scene of the shooting stated that they saw the SUV vehicle moving at a high rate of speed, driving on the wrong side of the street, nearly colliding with a car going the right way. Witnesses stated they saw the SUV vehicle turn too fast into the side street with tires screeching, almost hitting another car coming the other way. Several witnesses stated that the SUV was stuck on a parked car, that the officer shouted commands to the driver to stop and get out of the vehicle, and that the driver was trying to put the SUV in reverse when the officer fired the first shots.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/05 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 3 of 5

FINDINGS OF FACT (Continued): A traffic collision reconstruction report was prepared by an SFPD officer. This report states that, "The speed of the [SUV,] at the time that it reversed course and contacted the side of the [second parked vehicle] is estimated to be 10-15 mph at the time of the impact. This estimation is based on the location and extent of the damage found to the door panel and the shattering of the left front door window glass." Based on this report and the measurements taken at the scene by SFPD crime scene investigators, the length of time that the SUV was in motion from the time it began to reverse off the first parked vehicle until it struck the second parked vehicle was approximately 2-3 seconds. The traffic collision reconstruction report further stated that "...damage found to the left front of the [SUV] consisted of a broken and separated tie rod used to secure the left front wheel assembly unit to the front suspension and steering components." The officer who prepared the reconstruction report told OCC that damage to the tie rod had occurred either just prior to or during the collision with the first parked vehicle. He stated that, when the SUV separated from the parked vehicle and began to move in reverse, the broken tie rod prevented the driver from steering the SUV. The SUV could only move in a sharply leftward arcing motion. Thus, in the 2-3 seconds that the SUV was moving in reverse, the aspect presented toward the officer changed from the rear to the right passenger side.

As to the complainant's allegation that the officer deliberately moved to the passenger side, walked up, and fired the fatal shots in a *coup de grace*, witness statements contradict each other. SFPD Homicide Detail inspectors interviewed 15 witnesses at or near the scene on the day of the incident. Two of these witnesses said that the officer fired shots into the rear of the SUV, then appeared to be standing still as the officer fired shots toward the rear side window of the SUV as it moved in a reverse arcing motion toward the officer. One of the witnesses said that he saw the officer moving forward toward the SUV, then backing up, and that the officer was "...making an adjustment, so he didn't get hit with the truck." This witness said that the officer was about 12 feet away from the SUV when he fired the first shots into the rear of the SUV, and that the officer was about 4-5 feet away when he fired into the rear passenger window. Another witness said that the officer fired two shots into the back of the SUV, paused for a second or two and, as the SUV moved in reverse toward the officer, the officer fired three more shots. This witness stated that, as the SUV moved toward the officer, the officer moved backward in a "shuffling" motion.

Two witnesses saw and heard 4-5 shots in rapid succession with no pause as the SUV backed toward the officer. One witnesses described the officer walking closer to the SUV and firing into the passenger window. Another witness stated that he saw the officer fire three times into the rear of the SUV, that the SUV backed in a circular motion and collided with another parked car, and that the officer then walked to the side of the SUV and fired once more. Two witnesses came forward several days after the incident and gave statements to Homicide inspectors. One of these witnesses, who came forward seven days after the incident, stated that all of the shots were directed at the passenger side of the SUV. He said that the officer moved closer and continued firing after the SUV had reversed off the first parked car and had struck the second parked car. This witness stated that, four days after the incident he had spoken to members of the

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/05 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 4 of 5

FINDINGS OF FACT (Continued): decedent's family, including the decedent's brother. This witness stated that he did not hear the officer shout commands at the driver of the SUV before firing. The second late witness, who gave a statement to Homicide inspectors nine days after the incident, stated that he heard the officer yell commands to the driver of the SUV, then saw the officer fire four shots into the rear of the SUV as the SUV was reversing. This witness stated that the officer walked up to the passenger side of the SUV and fired again after the SUV had struck and come to rest against the second parked car. This witness stated that he had spoken with the first late witness on the day after the incident, and again on the day he was interviewed. He stated that he and the other late witness had discussed their perceptions of the incident and the fact that the first late witness had spoken to the decedent's family.

Department policy and case law prohibit the use of deadly force except in the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury or in the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. In reviewing the reasonableness of the officer's use of deadly force, allowance is made for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation. In this case, the officer stated that he was certain that the decedent's reckless, dangerous behavior and his wanton disregard for the safety of others, coupled with his refusal to surrender and attempts to continue with his reckless flight presented an immediate threat of death or great bodily injury to the officer and to others both in the immediate area and potentially anywhere in decedent's path should he escape. In reviewing the necessity for the use of deadly force, the issues are whether the officer had less-intrusive means available to him to end the threat, and whether or not the officer himself created the necessity for deadly force. At the point where the decedent had crashed his vehicle into a parked car and was stuck, the officer was off his motorcycle, gun drawn, and shouting commands to the decedent to stop and get out of the vehicle. When the decedent refused to surrender and attempted to dislodge his vehicle and back toward the officer, the officer had the option to retreat to cover or to take action to end the threat to himself and others. Based on his belief that the decedent posed a threat of serious physical harm, the officer decided to end the threat with the only means available to him, his firearm. However, by continuing the pursuit in violation of Department policy (see Allegation #2 below,) the officer may have contributed to the circumstances leading up to the threatening situation. The witness statements are contradictory as to the reasonableness of the officer's belief that firing on the SUV was necessary. That his prior mishandling of the situation helped create the circumstances leading him to discharge his firearm also casts doubt on the necessity for his ultimate actions. Therefore, there is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/05 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #2: The officer failed to follow Department pursuit policy.

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

FINDINGS OF FACT: The officer initiated the pursuit of the SUV driven by the decedent, complainant's fiancé when the decedent fled from a traffic stop conducted by the officer. The officer pursued the SUV on his police motorcycle with red lights and siren activated. The officer called in a "Code 33" and announced the route of the pursuit, then saw a marked four-wheel unit enter the pursuit with emergency lights and siren activated. The officer followed behind the marked four-wheel unit, but remained in the pursuit with his red lights and siren activated. When a supervisor gave the order canceling the pursuit, the officers in the four-wheel marked unit de-activated their emergency lights and siren and turned away from the pursuit route. The named officer, who stated that he did not hear the order to cancel the pursuit, and that he believed that the primary pursuit unit had somehow become disabled--perhaps by an accident--continued to pursue the SUV. The officer stated that he believed the SUV was likely to cause a serious accident, and that he decided to continue the pursuit until another unit was dispatched. The officer continued to pursue the SUV until it collided with parked vehicles on a side street. The incident terminated with the officer fatally shooting the driver of the SUV. The officer clearly violated DGO 5.05, Section IV.H.2.a., which specifically orders motorcycle officers to cease pursuit when a marked four-wheel unit with light bar enters the pursuit. There are no recognized exceptions to this DGO section and motorcycle officers are trained to follow this DGO section. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/06**DATE OF COMPLETION:** 01/23/07 **PAGE#** 1 of 5

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

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

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

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

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

FINDINGS OF FACT: The complainant was at a club when he was asked by the manager to leave. When the complainant refused to leave, the manager called the police. Office of Citizen Complaint's investigation established that the officer had reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/06 **DATE OF COMPLETION:** 01/23/07 **PAGE# 2 of 5**

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

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

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

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

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

FINDINGS OF FACT: The complainant was placed under private person's arrest. Office of Citizen Complaint's investigation established that the officer had probable cause to take the complainant into custodial arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/06**DATE OF COMPLETION:** 01/23/07 **PAGE# 3 of 5**

SUMMARY OF ALLEGATION #5: The officer used unnecessary force during the arrest.

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

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

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

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

FINDINGS OF FACT: The officer and other officers 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: 05/18/06 **DATE OF COMPLETION:** 01/23/07 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #7: The officer used unnecessary force during the arrest.

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

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

SUMMARY OF ALLEGATION #8: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. 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: 05/18/06 **DATE OF COMPLETION:** 01/23/07 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #9: The officer used profanity and made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/06 **DATE OF COMPLETION:** 01/18/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers stated that the complainant was arrested for having an open container of beer in his vehicle, and for resisting arrest. The complainant acknowledged that he refused to follow the officers' commands. The complainant stated he had beer in his vehicle but it was unopened. There were no witnesses at the scene at the time of the arrest. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #4-6: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The officers stated that, when found with an open container in his vehicle, the complainant refused to show identification. The complainant then refused to step out of his vehicle. The officers stated that when they pulled the complainant out of his vehicle, the complainant tried to flee. The officers stated they then placed the complainant on the ground and handcuffed him. The complainant's injuries, consisting of minor scratches and contusions, were photographed at the police station. Medical records show that the complainant's stated injuries were genetic in nature and/or pre-existing conditions. There were no witnesses at the scene at the time of the complainant's arrest. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/06 **DATE OF COMPLETION:** 01/18/07 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #7: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The officer denied behaving inappropriately and making inappropriate comments. Two officers at the scene further denied that the officer behaved inappropriately or made inappropriate comments and stated that it was the complainant who continually cursed at the officers. The complainant's girlfriend stated that she listened to this incident on a cell phone and heard the officers use profanity. There were no witnesses at the scene. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/06 **DATE OF COMPLETION:** 01/23/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The sergeant denied the allegation, stating he was pleasant and was never angry with the complainant. The sergeant stated he did not use any derogatory words towards the complainant and did not demean her vehicle. The sergeant said he was there to assist the complainant and to maintain traffic control in the construction-zoned area. The witness officer stated the sergeant behaved in a professional manner and handled the situation appropriately. The witness officer said he did not hear the sergeant make any derogatory statements, though he heard the complainant yelling at the sergeant. The witness tow driver stated he did not hear the sergeant use profanity in regards to the complainant's car. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The sergeant denied the allegation, stating he is required to issue a parking citation whenever a vehicle is towed for a parking violation. The sergeant stated the complainant's car stalled in a lane that was legally posted with "No Stopping-Tow Away" signs. The sergeant said the complainant's car was in violation of 33.1TC. The witness officer said the complainant's vehicle was in violation of 33.1TC and confirmed that a parking citation must accompany tow slip. The witness tow driver stated the complainant's car was blocking part of the lane and a Muni bus had struck her stalled car. The complainant admitted that her vehicle had a mechanical breakdown and was blocking the only lane of traffic. 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: 07/03/06 **DATE OF COMPLETION:** 01/23/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer towed a vehicle without cause.

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

FINDINGS OF FACT: The sergeant denied the allegation, stating the tow was legal pursuant to Traffic Code 33.1-Construction Zone. The sergeant said the complainant's car became disabled in a posted "No Stopping-Tow Away" lane. The sergeant stated when the complainant's tow hadn't arrived in ample time, he called for a SFPD tow, due to the traffic congestion created by the complainant's car. Prior to the tow arriving, a Muni bus attempting to maneuver around the complainant's stalled vehicle subsequently sideswiped the complainant's car.

The witness officer stated he had to direct vehicles to make U-turns in the construction area, just to alleviate the congestion caused by the complainant's stalled vehicle. The witness tow driver said he responded to a hazard tow and observed the complainant's car blocking part of the only open lane in the construction area. The complainant admitted her car broke down in a construction zone and was told by the sergeant to call her own tow. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer failed to provide required information.

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

FINDINGS OF FACT: The sergeant stated he could not recall whether he provided the complainant details on how to obtain her vehicle from the tow company. The witness officer said he assisted the sergeant with the tow by starting the tow slip form, and left the scene. The witness tow driver did not hear whether the sergeant provided details to the complainant regarding her towed vehicle and did not observe the sergeant issue a parking citation. The complainant stated the sergeant did not provide any information regarding recovery of her vehicle. 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: 09/05/06 **DATE OF COMPLETION:** 01/16/07 **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 officer stated he cited the complainant for blocking the sidewalk. The complainant did not deny that he blocked the sidewalk. The officer's action was proper.

SUMMARY OF ALLEGATION #2: The officer failed to properly prepare a citation.

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

FINDINGS OF FACT: The officer stated he erred when he entered an incorrect date on the citation. While the evidence established that a clerical error was made, there was no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent negligence on the officer's part, or evidence that the error caused harm to the complainant or others).

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/06 **DATE OF COMPLETION:** 01/12/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers stated they took custody of the complainant's property at the time of his arrest. One officer stated he searched and inventoried the complainant's property at the station pursuant to Department policy and procedures. According to court records, a Superior court judge declared the officer's search of the complainant's property was proper. The officers' actions were proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that several items of his property, including a blanket and cigarettes, were not itemized on his property receipt. The officers stated they properly processed all of the complainant's property. The complainant's booking card itemized many items belonging to the complainant. The complainant had no proof that he had the alleged items with him at the time of his arrest. There were no available witnesses. There was no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/05 **DATE OF COMPLETION:** 01/16/07 **PAGE# 1 of 6**

SUMMARY OF ALLEGATION #1-3: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant alleged that officers used unnecessary force to arrest a suspect. The complainant alleged the officers shot, kicked and beat a suspect unnecessarily. The officers denied the allegation. San Francisco Communications Dispatch broadcast a report from a civilian that two Black males were seated in a vehicle parked in a residential community, with a shotgun. A Specialist Team of three officers had been detailed to this area to combat gang activity which involved the use of deadly weapons. The Specialist Team responded to the location and located the suspects. The suspects fled the scene and attempted to evade the officers during a short pursuit. The suspect vehicle came to a stop and the driver fled on foot. The passenger of the suspect vehicle hopped out of the car and turned towards the officers with a rifle in his hands. The passenger suspect made an attempt to slide the rack of the rifle and aimed the rifle back at the officers. The lead officer fired his weapon, while the other officers took cover behind their patrol vehicle.

Four officers arrived on scene to assist the three officers of the Specialist Team. One of the assisting officers corroborated that the suspect got out of his car, then pointed and aimed a weapon at the Specialist officers. Another assisting officer corroborated the driver of the suspect vehicle fled the scene by running down the embankment. A female witness corroborated she heard three gunshots and looked out her bedroom window. The witness observed the suspect running from a car with an "AK" assault rifle in the suspect's left hand facing down. The witness saw the suspect run down the steps without releasing the weapon.

The passenger suspect fled down an embankment towards a residential building. The three Specialist officers pursued the suspect to the top of the embankment near a railing on the sidewalk. The first two Specialist officers to arrive at the railing observed the suspect leaning against the residential building. The two Specialist officers corroborated the suspect was taking aim at the officers with his rifle raised and pointed back up towards the hill. The officers engaged the suspect with gunfire. The passenger suspect again fled his location. The suspect ran in a tactical crouching position, with rifle in hand, while maintaining visual contact with the officer's positions. The suspect ran along the front of the building line. All three Specialist officers discharged their weapons at the suspect, as they still considered the suspect to be armed and extremely dangerous. The suspect was shot and injured sometime during his engagement with the officers, as evidenced by the droplets of blood located near the end of the first building line.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/05 **DATE OF COMPLETION:** 01/16/07 **PAGE# 2 of 6**

FINDINGS OF FACT-(Continued): At the end of the building line, the suspect ran to his left around another set of residential buildings. The lead officer continued his pursuit of the suspect around the buildings. When the suspect rounded the next set of buildings, the secondary officer noticed the suspect no longer had a weapon in his hands. The secondary officer proceeded down the embankment and recovered the rifle near the end of the building.

The lead officer followed the suspect into a residential unit. The remaining two Specialist officers followed the lead officer into the unit 5-10 seconds later. The evidence revealed the female resident of the unit knew the identity of the suspect. The female resident had previously witnessed the suspect running with a weapon down the steps. The female resident voluntarily allowed the suspect into her residence. Likewise, the resident allowed the officers into her residence to pursue the suspect.

At the conclusion of the pursuit, the lead officer contacted the suspect within the unit and gave the suspect numerous verbal commands to expose his hands and surrender. The evidence proved the interior residence had heavy dark curtains covering the windows and visibility was extremely low. The suspect disregarded the officer's commands and attempted to pull open the front door with his left hand. The lead officer maintained a position of coverage with his weapon drawn and used necessary force to apprehend the suspect. The lead officer delivered a front kick to the suspect's left side. This action allowed the officer to grab the suspect's shoulder and force him to the ground. The suspect continued to conceal his hands near his waistband. The lead officer applied moderate kicks to the suspect's legs for compliance. The secondary officer entered the room and both officers were able to handcuff the suspect. Though the suspect continued to resist the officers, he was taken into custody. The female resident corroborated she heard the officers tell the suspect to stay down and to place his arms behind his back. The secondary and third officer both stated the suspect fought with the officers and the suspect would not comply with the officer's commands.

The evidence proved that the suspect's recovered M1 Carbine rifle was loaded with 28 Carbine caliber cartridges and fully functional. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/05 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 3 of 6

SUMMARY OF ALLEGATION #4-5: The officers improperly discharged their weapons.

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

FINDINGS OF FACT: The officers denied the allegation, both stating that they did not fire their weapons at the suspect with innocent bystanders in the vicinity. The named officer and the witness officers stated they did not observe any residents or utility employee in the area of the foot pursuit. The witness accounts of the incident were inconclusive and inconsistent with regards to the elements of distance, direction of angles, and the sounds of gunfire.

The crime scene investigator's report indicated two recovered casings in an area between the angled staircase and the south staircase. One civilian was reported to have picked up a casing near the first set of buildings. The named officers and witness officers corroborated that a crowd had gathered immediately after the shooting occurred. The radio history showed numerous entries of units being called to control the crowd and to contain the crime scene. The crime scene investigators arrived approximately one hour and sixteen minutes following the incident.

Thus, there is a strong possibility that the gathering crowd undermined the integrity of the scene. It would be difficult to rely on the location of casings to define the location from where an officer discharged his weapon. 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: 09/22/05 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 4 of 6

SUMMARY OF OCC ADDED ALLEGATION #1-3: The officers detained a witness without justification.

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

FINDINGS OF FACT: The officers denied the allegation, stating to the best of their knowledge, the Black male driver of the suspect vehicle fled the scene and was still outstanding. The passenger suspect was pursued and fled to a residence. The passenger suspect was allowed to gain entry by an unknown female. During the apprehension of the passenger suspect, an unknown male descended the staircase within the residence.

Due to the outstanding Black male driver of the suspect vehicle, the unknown male within the residence was handcuffed and detained to ascertain his involvement with the incident, if any. The male resident was subsequently released and issued a certificate of release. The male and female residents were cooperative with the police investigation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF OCC ADDED ALLEGATION #4: The officer seized personal property without justification.

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

FINDINGS OF FACT: The inspector denied the allegation, stating that he did not confiscate the shirt/blouse of the witness. The investigation revealed that two other inspectors conducted the interview of the female witness. However, the investigation was under the direction and assigned to the main inspector.

During the Homicide interview, the female witness is heard laughing and joking about relinquishing her blood stained shirt to SFPD for evidence. According to the Homicide interview, the female witness willingly consented and gave her shirt over to SFPD for evidentiary purposes. 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: 09/22/05 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 5 of 6

SUMMARY OF OCC ADDED ALLEGATION #5-6: The officers searched the residence without cause.

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

FINDINGS OF FACT: The officer denied the allegation, stating once the suspect was handcuffed and contained, he went upstairs to perform a protective visual sweep of the bedroom and bathrooms for any other outstanding suspects.

The officer was aware that the driver of the suspect vehicle fled the scene and was potentially still outstanding. A visual sweep of the residence was immediately necessary and reasonable for the safety of the officers and the public.

The inspector denied the allegation, stating that he obtained a consent search from the civilian witness, to search the lower level of her apartment. The inspector stated the search was conducted for any items that the suspect could have hidden or discarded, while in the unit. According to the Chronological of the Investigation, the civilian witness consented to the search. The female civilian failed to contact OCC, after numerous attempts to confirm the particulars of her agreement to the consent search; however, the evidence shows a "permission to search" form was signed by the civilian witness. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF OCC ADDED ALLEGATION #7: The officer performed a search and seizure of personal property.

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

FINDINGS OF FACT: The inspector denied the allegation, stating he collected the sample of the suspect's blood for any potential evidentiary value to the felony case. The suspect's blood sample was submitted to the lab for a toxicological screen to ascertain if the suspect was under the influence of any substance and for a DNA sample to determine if a biological link existed between the suspect and the recovered rifle.

The DNA Act of 1998 (Penal Code, 295 et seq.), expanded in November 2004. The DNA Act of 1998 allows samples from adults arrested or charged with murder, voluntary manslaughter, the attempt to commit these offenses. Accordingly, DNA samples may be taken without a warrant without violating the Fourth Amendment. 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: 09/22/05 **DATE OF COMPLETION:** 01/16/07 **PAGE#** 6 of 6

SUMMARY OF OCC ADDED ALLEGATION #8: The officer made inappropriate and threatening comments.

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

FINDINGS OF FACT: The inspector denied the allegation, stating that he did not recall using any threatening or inappropriate words with any utility employee involved in the incident. The utility supervisor was unable to corroborate whether the inspector made threatening or inappropriate comments to the utility employee. There were no other witnesses. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/05 **DATE OF COMPLETION:** 01/23/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was intoxicated and he did not recall the details of his arrest other than the officer “slammed” him to the ground, which resulted in several abrasions to the complainant’s face. The named member stated that the complainant did not comply with his command, took a fighting stance and advanced towards the officer. The named member brought the complainant to the ground using a bar arm takedown, a Department taught technique, which caused the complainant’s abrasions. The named member denied that the force he used was excessive under the circumstance. Three other officers supported this statement. The OCC was unable to locate and interview any other witnesses to the incident. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that while he was in custody in the police station an officer kicked him several time in the leg. The complainant could not provide any description of this officer. The station personnel questioned by the OCC in connection with this incident denied kicking the complainant and/or witnessing any officer using such force against the complainant. There were no other witnesses to the alleged misconduct. The available evidence was insufficient to identify the member responsible for the alleged misconduct and to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/06 **DATE OF COMPLETION:** 01/23/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complaint was anonymous with no contact information for the complainant. Further information would be needed to properly investigate this complaint. The complainant cannot be contacted to provide the further necessary information to complete a proper investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/06 **DATE OF COMPLETION:** 01/12/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers intimidated and threatened the complainant.

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/06 **DATE OF COMPLETION:** 01/23/07 **PAGE#**1of 1

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

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

FINDINGS OF FACT: The complainant said the officer made inappropriate comments and threatened him. The officer denied the allegation. The witness statements tend to support both parties accounts of the incident. The evidence was insufficient 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: 10/27/06 **DATE OF COMPLETION:** 01/12/07 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness stated that she did not hear the complainant's conversation with the officer. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer ordered him on leave without reason. The officer stated the complainant was sitting on the sidewalk blocking the flow of pedestrian traffic. A witness stated that the complainant was drunk, harassing and yelling at the people on the street. No other witnesses came forward.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/06 **DATE OF COMPLETION:** 01/12/07 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged the officer issued him a citation without cause. The officer stated he saw the complainant sitting on the sidewalk, holding a can of beer. A copy of the citation has not been located. It is not known what the complainant was cited for. A witness stated that the complainant was drunk harassing and yelling at passerby.

SUMMARY OF ALLEGATION #4: The officer harassed the complainant on previous occasions.

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

FINDINGS OF FACT: The complainant alleged that the officer harassed him on previous occasions. The officer stated that his prior contacts were the result of complaints against the complainant for aggressive panhandling. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/06 **DATE OF COMPLETION:** 01/12/07 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officer detained him without justification. OCC's investigation established that the officer had reasonable suspicion to detain the complainant based on a witness testimony. The evidence proved that the act, which proved the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/06 **DATE OF COMPLETION:** 01/12/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she did not make a U-Turn and had made a J turn instead. The officer stated the complainant made a U-Turn. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer was rude and exhibited an intimidating manner.

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

FINDINGS OF FACT: The complainant said the officer was arrogant and refused in an intimidating manner to answer her questions. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/06 **DATE OF COMPLETION:** 01/12/07 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the officer refused to call a supervisor and said that he was the boss. The officer stated he was the supervisor and in fact was the commanding officer at the time of the incident.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/06 **DATE OF COMPLETION:** 01/30/07 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 16, 2007.

SUMMARY OF ALLEGATION 1:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/06 **DATE OF COMPLETION:** 01/26/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments

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

FINDINGS OF FACT: The complainant did not provide information necessary to proceed with the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/15/06 **DATE OF COMPLETION:** 01/12/07 **PAGE#** 1 of 1

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

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

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

California Highway Patrol
455 8th 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: 12/28/06 **DATE OF COMPLETION:** 01/23/07 **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: 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: 12/02/05 **DATE OF COMPLETION:** 01/12/07 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/06 **DATE OF COMPLETION:** 01/12/07 **PAGE# 1 of 4**

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/06 **DATE OF COMPLETION:** 01/12/07 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #3: The officers detained the complainant's son without justification.

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

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

SUMMARY OF ALLEGATION # 4: The officers placed handcuffs too tightly on the complainant's son.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/06 **DATE OF COMPLETION:** 01/12/07 **PAGE# 3 of 4**

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

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

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

SUMMARY OF ALLEGATION #6: The officers searched the complainant without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/06 **DATE OF COMPLETION:** 01/12/07 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #7: The officers made inappropriate comments and exhibited inappropriate behavior.

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

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

SUMMARY OF ALLEGATION :

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/07 **DATE OF COMPLETION:** 01/23/07 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: **FINDING:** IO(1) **DEPT. ACTION:**

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

Department of Fair Employment and Housing
Claims
1515 Clay Street, Ste. 701
Oakland, CA 94612.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/06 **DATE OF COMPLETION:** 01/12/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers stopped him while he was riding his bicycle. One of the officers grabbed him from behind and squeezed his wrists. The named and witness officers stated that they effected a traffic stop on the complainant after he ran a red light on his bicycle, and that the named officer grabbed the complainant's wrist when he saw him reaching for a screwdriver that the complainant had in his pocket. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2 & 3: The officers made inappropriate comments and displayed inappropriate behavior and threatened the complainant

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

FINDINGS OF FACT: The complainant stated that the officers stopped him while he was riding his bicycle. The officers yelled at the complainant in an intimidating manner and made inappropriate comments and one of the officers threatened to handcuff the complainant if he did not produce his identification. The officers denied yelling at or making inappropriate comments to the complainant, or threatening to handcuff the complainant. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/06 **DATE OF COMPLETION:**01/12/07 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth concerning the complainant's warrant status.

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

FINDINGS OF FACT: The complainant stated that the officer told him that he had an outstanding warrant for his arrest. The named officer stated that he ran a wants and warrants check on the complainant, but did not recall receiving information about the complainant having an outstanding warrant. The named officer stated that if the complainant had such a warrant, the officers would have arrested him. The named officers partner did not recall hearing anything about the complainant having an outstanding warrant. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that when he asked the officer for his name and badge number, the officer said it would be on the citation, then turned away from the complainant. The named officer stated that he provided his name and star number when he was asked for it. The witness officer confirmed the named officer's account. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/06 **DATE OF COMPLETION:** 01/19/07 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: UF **FINDING:** NFW **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: