

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/08 **DATE OF COMPLETION:** 01/22/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated his driver's license was suspended. He further stated he refused to sign the citation. The officers stated the complainant's vehicle was towed because the complainant had a suspended driver's license. A supervising officer approved the tow. Department General Order 9.06 requires officers to tow any vehicle driven by a person who has had his driver's license suspended. The officer's conduct was proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC jurisdiction.
PSA at SFO

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

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

Management Control Division
San Francisco Police Department
850 Bryant Street, Rm. 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC jurisdiction.
Off-duty officer

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

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

Management Control Division
San Francisco Police Department
850 Bryant Street, Rm. 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC jurisdiction.
Incident occurred at County Jail.

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

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

Internal Affairs
San Francisco Sheriff's Department
25 Van Ness Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/29/07 **DATE OF COMPLETION:** 01/08/08 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainants stated the officer did not interview them. However, one of the complainants admitted they were interviewed. The complainants also stated they should have been interviewed first before the witnesses at the scene. The officer stated he interviewed the complainants and witnesses. A witness stated the complainants were interviewed. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #2: The officer failed to write a timely report.

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

FINDINGS OF FACT: The complainants stated the officer did not write a police report on the date of the incident. The officer stated the complainants did not request a police report. The officer stated he completed a police report when the complainants requested one at the station the following day. The officer acknowledged not completing an Incident Report before the end of his shift on the date of the incident, which is required by the Department General Orders 1.03 I.5.d. & 9. and 2.01, 25, which in pertinent part state an officer is required to write an Incident Report on crimes brought to his attention; and to complete the Incident Report by the end of his shift the day of the incident. The officer was dispatched to abate a fight or an assault in progress where one of the complainants was taken by ambulance to a local hospital. The officer admitted that a misdemeanor had occurred, therefore the officer was required to make a report of the crime that occurred before the end of his tour of duty. The preponderance of the evidence established that he did not write a timely Incident Report regarding a crime brought to his attention, before the end of his tour of duty. The allegation is therefore sustained.

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

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

FINDINGS OF FACT: The complainants stated they went to the police station and the officer told them they did not know the law and told them to leave. The officer stated he did not recall the use of inappropriate comments made to the complainants. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to provide an interpreter.

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

FINDINGS OF FACT: The complainants stated they requested an interpreter from the officer at the scene. The witness stated the complainants spoke English and Chinese to the officer. The allegation involves the officer's failure to summon an interpreter. The rules in effect at the time of this incident left a lot of discretion with the officer as to whether an interpreter was necessary. The OCC recommends a Policy Failure is appropriate as this issue is currently being addressed by the new DGO on language access.

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SUMMARY OF ALLEGATIONS#1-3 The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant filed a complaint from a case that began in 1993. All officers that the complainant wanted to file a complaint against have either retired or left the San Francisco Police Department. The officers are no longer within the jurisdiction of the Office of Citizen Complaints.

SUMMARY OF ALLEGATIONS#

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer invaded the complainant's privacy.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/02/07 **DATE OF COMPLETION:** 01/25/08 PAGE# 1 of 4

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

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

FINDINGS OF FACT: The complainant stated officers entered her apartment without cause. The officers responded to the scene of a shooting where upon locating the victim, he informed them that the shooter had recently run inside of the complainant's apartment. Under the doctrine of fresh pursuit, the officers lawfully entered the complainant's apartment.

SUMMARY OF ALLEGATIONS # 5: The officer coerced the complainant into signing a waiver to enter the complainant's residence.

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

FINDINGS OF FACT: The complainant stated the officer coerced her into signing a waiver to enter her residence. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6: The officers interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant alleged that officers told her to go back inside her apartment when they were searching her neighbor's apartment. Department records show that officers were searching the area for a felony suspect. The evidence proved that the act, which provided the basis for the allegation occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #7: The officers drew their firearms without justification.

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

FINDINGS OF FACT: The complainant alleged 4-6 officers were at her front door with their guns drawn, asking her if they could search her apartment to which the complainant refused. Department records show that officers were searching the area for a felony suspect. The evidence proved that the act, which provided the basis for the allegation occurred. However, the act was, justified, lawful, and proper.

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(Amended 02/23/08)**

DATE OF COMPLAINT: 03/02/07 **DATE OF COMPLETION:** 01/25/08 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #: 8 – 9: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged the officers arrested her without cause. The officers denied the allegation and said that the complainant was arrested on a warrant. The evidence proved that the act, which provided the basis for the allegation occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS # 10: The officer entered the complainant's residence without cause on March 2, 2007

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

FINDINGS OF FACT: The complainant alleged officers entered her residence by prying the metal bars away from the front window while she was gone. The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #11: The officers searched the complainant's residence without cause on March 2, 2007

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

FINDINGS OF FACT: The complainant alleged officers searched her apartment during her absence. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #12: The officers intentionally damaged complainant's property on March 2, 2007.

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

FINDINGS OF FACT: The complainant alleged officers scattered her belongings around her living room, kitchen, and two upstairs bedrooms. The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The anonymous complainant alleged that the officer improperly interfered with a criminal investigation. The officer denied the allegation. The officer stated the underlying incident occurred at her home, and the victims were her houseguests. The officer stated she took photos of her guests' injuries and provided copies of those photos to the Department upon the Department's request. The Department failed to provide evidence related to the case, claiming it would jeopardize the pending criminal case. There was no additional evidence to further prove or disprove this matter.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers denied the allegation stating the complainant was detained due to their response of a dispatched call for an auto boost. Both officers said the complainant matched the description of one of the two suspects reported as looking into vehicles in an alleyway. The San Francisco Sheriff Department deputy witness corroborated that he observed and called 911 to report two individuals looking into parked cars. The deputy witness said he observed the two individuals on a security-monitoring camera. The deputy witness stated many vehicle break-ins have occurred in that particular area. The witness said he observed the two dispatched officers make contact with the same two individuals he had reported to 911. 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 #3: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The officer denied the allegation stating during the pat search of the complainant, he discovered a pill stamped with a butterfly in an unsealed blister pack, and a 2-½ knife in the pocket of the complainant. Based on the officer's training and experience, he suspected the butterfly pill to be the illegal drug MDMA (ecstasy). The complainant was placed under arrest for (1) Possession of a controlled substance; and (2) 1291(b)MPC-Loitering while carrying a concealed weapon. The witness officer corroborated the suspected pill as ecstasy and the complainant's knife. Office of Citizens Complaints investigation researched the MDMA ecstasy pills to find numerous pills in various colors with a variety of stamped symbols, including butterflies. 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 #4: The officer used unnecessary force with tight handcuffs.

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

FINDINGS OF FACT: The officer denied the allegation, stating he handcuffed the complainant and always checks for tightness and double locks the handcuffs. The named officer said the complainant did not complain of pain while handcuffed. Two witness officers corroborated the complainant did not complain of tight handcuffs during the incident. The complainant's medical report indicated no swelling, no tenderness, and normal range of motion to the wrists. The medical report diagnosed mild bruising/pressure marks. The handcuffing is incidental to the arrest. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The officer denied the allegation stating he did not call the complainant a "rapist" three to four times at the scene, or seven to eight times at the station. The officer stated that once at the station he asked the complainant if he had priors to confirm his identity. The officer said when the complainant did not respond, he asked the complainant if the prior was for rape. The officer said the complainant became upset and verbally abusive towards the officer.

One witness officer did not recall any conversation between the named officer and the complainant. The other witness officer said he did not hear the named officer call the complainant a rapist at the scene or the station. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/24/05 **DATE OF COMPLETION:** 01/28/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was singled out by the officers and detained without any legitimate reason. The officers stated that the complainant's detention took place when he delayed their attempts to investigate "possible traffic hazard" and "underage drinking." One of the complainant's friends, who became a co-complainant in this case, in essence, corroborated the complainant's account of the incident. Several other friends of the complainant and the co-complainant, in their written statements, also provided a similar description of the occurrence. However, these statements contained significant inconsistencies that undermined their overall credibility. Except for the co-complainant, the complainant's friends did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: According to the complainant and the co-complainant, they both were arrested without any legitimate reason. According to the arresting officers, they had probable cause to take the complainant into custody for delaying a police investigation and to take the co-complainant into custody for assaulting police officers (throwing and hitting them with small rocks). In their written statements, several complainants' friends, in essence, corroborated their account of the incident. However, these statements contained significant inconsistencies that undermined their overall credibility. These potential witnesses did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant and the co-complainant stated that the officers indiscriminately and arbitrarily used force, including baton and the pepper spray during the incident. The involved officers denied using excessive force during the incident and articulated the reasons for their use of force. The statements from both complainants and their six friends who were present at the scene differed from the officers' accounts in regards to the level and type of force used but these statements contained significant inconsistencies that undermined their overall credibility. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-11: The officers made inappropriate comments.

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

FINDINGS OF FACT: The involved officers denied making the comments attributed to them by the complainant and the co-complainant when both were in police custody. There were no other identifiable witnesses at the time when the alleged comments were made. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #12-14: The officers failed to write a complete and accurate Incident Report.

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

FINDINGS OF FACT: The involved officers told the OCC that their written statements, as part of the related Incident Report, accurately described the events of this occurrence. The statements from both complainants and six of their friends who were present at the scene differed from the officers' description of the incident but contained inconsistencies that undermined their overall veracity. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #15-16: The officers made sexually derogatory comments.

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

FINDINGS OF FACT: The named members denied making the alleged comments towards the complainant when he was in police custody. There were no other identifiable witnesses when the alleged comments were made. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/11/07 **DATE OF COMPLETION:** 03/07/08 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant said the officer cited him without cause for repairing vehicles on the street. The named officer said he and other officers at his station had received numerous complaints from neighbors about the complainant repairing on cars in the street. He said he advised the complainant about this several times in the months preceding this incident. The named officer said he cited the complainant after seeing him working on a vehicle in the street. The named officer provided photographs of the complainant working on a car in the street taken at the time of the violation for which he was cited. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant said the officer arrested him without cause for repairing vehicles on the street. The named officer said he and other officers at his station had received numerous complaints from neighbors about the complainant repairing cars in the street. He advised the complainant about this several times in the months preceding this incident. The named officer said on the day of this incident, he cited the complainant after seeing him working on a vehicle in the street. The named officer returned to that location a short time later and saw the complainant still working on the vehicle in the street, which constituted a continuing violation. The complainant told the named officer that he wanted to see a judge, so the officer placed him under arrest. The complainant denied saying anything to the officer about being taken before a judge. A relative of the complainant who was present at the scene said she heard the complainant tell the officer that he wanted to see a judge. A witness said he heard the officer tell the complainant that he could be arrested, and the complainant then told the officer to arrest him. The named officer provided photographs of the complainant working on a car in the street taken at the time of the violation for which he was cited and arrested. The evidence established that the complainant's arrest was justified because the complainant asked to be promptly taken before a magistrate. The action complained of was proper.

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

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

FINDINGS OF FACT: The complainant said the officer misused police authority by citing and arresting him for working on vehicles on the street. The complainant believes the officer did this as a favor to a relative of his who is one of the complainant's neighbors. The named officer said he is the Code Enforcement officer at his station and handles complaints involving public nuisances, including illegal auto repairs in the street. The named officer said he and other officers at his station had received numerous complaints from neighbors about the complainant repairing cars in the street and spilling fluids on the sidewalk. The named officer received a petition signed by numerous neighbors about this. The named officer advised the complainant about this several times in the months preceding this incident. The named officer said he cited the complainant after seeing him working on a vehicle in the street. The named officer provided photographs of the complainant working on a car in the street taken at the time of the violation for which he was cited. The named officer arrested the complainant a short time later because the complainant asked to be taken before a judge. The officer denied taking enforcement action against the complainant on the behest of his relatives. The named officer provided a copy of the petition from the complainant's neighbors and photographs of the complainant repairing vehicles in the street taken on two different occasions. The complainant admitted that he did repair work on cars in the street. A preponderance of the evidence established that the enforcement action taken by the named officer was within the course of his duties and did not constitute a misuse of police authority.

SUMMARY OF ALLEGATION #4: The officer unnecessarily tightened the complainant's handcuffs.

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

FINDINGS OF FACT: The complainant said the officer tightened his handcuffs at the police station, causing pain. Photographs of the complainant's wrists taken at OCC approximately fifteen hours after his arrest did not reveal any bruising. A relative of the complainant said his hand was very purple after he was released. There were no known witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to follow Department procedures concerning the child of an arrested parent and concerning Booking & Detention procedures.

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

FINDINGS OF FACT: The complainant said when he was arrested, he asked a friend to go to his apartment and tell his twelve-year-old daughter, who was home alone, what was happening. The complainant's daughter came outside and was screaming. The named officer refused to allow him to make arrangements for the care of his daughter. The complainant also stated that he was held at the police station for several hours before being transported to the county jail and was not allowed to make any phone calls. The complainant's daughter stated she had been outside for some time prior to her father's arrest, waiting for him to finish repairing a car, and denied that anyone came to the apartment to summon her. When her father was handcuffed, she telephoned her mother on her cell phone, and asked the named officer to talk to her mother, but he refused. She heard her father ask officers if they would allow him to take her inside before he was taken to the police station. The complainant's friend stated the complainant asked him to tell his daughter that he was being arrested, which he did. The complainant's daughter then exited their building and yelled "my father, my father." The complainant's friend did not hear the complainant say anything to the officer about his daughter and did not recall whether the complainant or the named officer spoke to the complainant's daughter. He did not know where the named officer was in proximity to the complainant's daughter. The named officer denied that the complainant said anything to him at the scene about his daughter. The officer said he saw a woman on the sidewalk talking on a cell phone but did not know who she was and did not recall what she was saying. The officer saw a woman screaming at him and other officers who were present from a doorway but could not discern her age because it was dark. The named officer said he had no contact with the complainant after booking him in at the station and does not know anything about the complainant's transport to the jail or about the complainant asking to make a phone call. The complainant made statements about other elements of this incident and about his activities that were contradicted by other statements and evidence. The complainant's and witness' account of the daughter being inside the house and coming out after the witness tells her that her dad is being arrested is markedly different from the daughter's insistence that she was on the sidewalk the entire time witnessing her dad's interactions with the officer. Certainly, all witnesses, including the officer establish that the daughter was present during her dad's arrest. It is not clear however for how long and where she was and the degree to which she was identified as the complainant's daughter. Given these inconsistencies, OCC recommends a training failure so that the officer can be retrained about his duties concerning the children of arrested adults.

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SUMMARY OF ALLEGATION #1 & 2: The officers failed to provide required medical treatment to the complainant.

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

FINDINGS OF FACT: The complainant said he was arrested for shoplifting by a department store's security personnel. The complainant said he was arrested on a traffic island in the middle of a wide and heavily-trafficked street. A passing car struck the complainant and knocked him to the ground, causing a deep three-inch long laceration to his elbow. The security officers took the complainant to the store security office and summoned police. The two named officers summoned an ambulance. The Emergency Medical Technicians that responded told the named officers that the complainant's wound required stitches and that the officers should transport him to SFGH. The paramedics wrapped the complainant's elbow in bandages that extended halfway up his arm. The named officers drove the complainant to the police station, and two hours later drove him to the jail, but failed to transport him to the hospital to receive stitches. Jail personnel reversed the booking process and sent the complainant to SFGH, where medical personnel determined it was too late to suture the wound. As a result, the complainant has a scar on his elbow. The named officers said they never saw the cut to the complainant's elbow, which had been bandaged. They said paramedics who responded cleaned and re-banded the complainant's elbow, and denied that the paramedics told them to transport the complainant to SFGH for additional treatment. The department store's report on the complainant's arrest said he was arrested approximately twenty-five feet outside the store entrance, and fell as he attempted to flee injuring his elbow. One of the security officers performed first aid to a cut on the complainant's elbow. The two Emergency Medical Technicians who responded to the scene did not prepare a Patient Care Report. One of the EMTs said he had no recollection of this incident, and noted that if they render care to a patient they would complete a Patient Care Report. They do not prepare such a report if a patient refuses medical services. The other EMT said the complainant had a small cut to his elbow. She did not recall bandaging his wound or recommending that he receive stitches. If they had, she or her partner would have prepared a Patient Care Report. The complainant's jail medical records state he revealed an elbow injury for the first time during dress in (which takes place after booking). A forensic pathologist who reviewed the complainant's medical records said the SFGH medical records describe the injury as a one centimeter superficial laceration. The fact that the wound was not sutured indicates that it was probably not a deep tear. The complainant gave differing accounts of his actions leading up to his arrest and made statements that are inconsistent with other evidence. The complainant told OCC that he was not asked any questions about his medical condition by police. However, the complainant's Medical Screening form, completed by one of the named officers, documents a cut to the complainant's right elbow and the fact that he is a diabetic. The complainant said his booking at the jail was halted, but his jail records indicate he cleared medical triage and did not report his injury until he was exchanging his own clothing for jail-issued garments. These factors somewhat diminish the complainant's credibility. However, the absence of a Patient Care Report by the ambulance personnel prevents OCC from conclusively establishing what the complainant's medical condition was at the time. Such a report should have been prepared if, as the named officers claim, the paramedics cleaned and re-banded the complainant's wound. Whether or not the paramedics cleaned and re-banded the complainant's wound is in dispute. One of the paramedics said she did not recall doing this; the other paramedic had no recollection of this incident. Given the totality of the evidence, there is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/19/07 **DATE OF COMPLETION:** 01/12/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer grabbed him from behind and he reacted by pulling away and elbowing the officer who at the time he did not know was an officer. The complainant said he was hit with batons and thrown to the ground causing his head to hit the ground and split his forehead and a baton was placed around his throat as other officers hit him and then was handcuffed. The complainant denied punching the officer at any time only elbowed him initially when grabbed from behind. The officers denied the allegation. One witness saw the complainant strike the officer on his arm and on his mouth but did not see the beginning and end of the encounter between the officers and complainant. Other witnesses did not come forward. DGO 5.01 allows officers to use necessary force to take someone into custody and not more. The ambulance records document that the complainant was resisting and was tackled.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer cursed at him during the incident. The officer denied the allegation. The witness was not there during the entire incident between the complainant and officer. The other witnesses did not come forward. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/07 **DATE OF COMPLETION:** 01/12/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant said he saw the officer confiscate a blanket from a homeless individual who was sitting on the sidewalk. The named officer and his partner said they did not recall this incident. Another officer who is listed in communications records as being present said he was detailed on an assignment outside of San Francisco on the day of this incident and was not present at the scene of this incident. Employees of another city department who were present could not be identified. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he heard the officer tell a homeless individual who was sitting on the sidewalk to go back to Oakland. The named officer and his partner said they did not recall this incident. Another officer who is listed in communications records as being present said he was detailed on an assignment outside of San Francisco on the day of this incident and was not present at the scene of this incident. Employees of another city department who were present could not be identified. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/07 **DATE OF COMPLETION:** 01/25/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant admitted deliberately placing food for the birds in an area where city ordinance prohibits feeding birds and wild animals and admitted ignoring the officer's attempts to speak with her about this. A preponderance of the evidence established that the complainant committed a citable violation in the officer's presence and resisted the officer's efforts to discuss the violation with her. Therefore, the action complained was proper. There is no dispute that the complainant was in violation of municipal code section 48b. When confronted by the officer that observed the violation the complainant resisted and obstructed the officer's actions to enforce the law. The officer's actions were lawful, justified and proper.

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

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

FINDINGS OF FACT: The named officer denied using force sufficient to cause the injury documented in the complainant's medical records and depicted in the photographs she provided. The only identified witness said he did not see the officer use a significant degree of force on the complainant. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant said after the officer handcuffed her and placed her in the back of his patrol car, he refused to roll down the windows and did not turn on the engine and the air conditioner, despite the fact that it was very hot out. The complainant said her seat belt was not on, and when the officer fastened it, he pressed his left upper arm against her breast and ran his right hand over her breasts and stomach. The complainant said the officer searched through her purse while she was in the back of the patrol car and told her he was looking for drugs. The named officer said he turned on his patrol car's engine and air conditioning after placing the complainant inside it, then moved the car a short distance and parked in the shade while awaiting the arrival of a supervisor. The complainant asked him to open a window, but he told her it was better to run the air conditioner with the windows closed. The named officer denied that his arm made contact with the complainant's breasts or chest as he fastened her seatbelt. He said there might have been incidental contact but it was not deliberate. The named officer said he held up the complainant's wallet so she could see it and shuffled through and few items to locate her identification, which he removed. He placed the wallet on the car's dashboard. The named officer said he did not recall telling the complainant he was looking for drugs. The named officer said at one point, he intentionally activated the microphone of his radio to capture some of the complainant's statements. The Communications audio recording of this incident contains only communications from the officer, with the sound of a female yelling in the background. A supervisor who responded to the scene said the named officer's car had its engine running and one of its front windows down when he arrived. The named officer told him he'd turned on the vehicle's air conditioning because it was a warm and sunny day. The supervisor said he later saw the complainant at the police station screaming and using profanity. The OCC subpoenaed video footage from the surveillance cameras positioned inside and outside the supermarket. The security officer at the supermarket, who was the custodian of records for the video footage, provided OCC with only some of the footage it had requested, which showed the complainant and the officer entering the supermarket, but which did not show any part of their physical encounter. The supermarket security officer and the supermarket manager failed to respond to multiple telephone messages and letters sent by OCC requesting the additional footage from that day had been recorded over and was no longer available. There were no identifiable witnesses to the actions complained about. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/24/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers tackled him, kicked him and continued to kick him after being handcuffed even though he had surrendered and was on his knees with hands up. The officers stated the complainant resisted being taken into custody, that they pursued the complainant and, when they tackled him, he struck his head against a parked car, causing an injury. The officers denied kicking or striking the complainant. The medical records document the injury, and that the complainant was under the influence of alcohol and drugs and was combative and uncooperative. The deputy sheriffs also involved did not provide a statement. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity toward him during the incident. The officer denied the allegation. The other SFPD officers did not recall the officer using profanity while in their presence. The deputy sheriffs also involved did not provide a statement. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/06/06 **DATE OF COMPLETION:** 01/10/08 **PAGE#** 1 of 7

SUMMARY OF ALLEGATION #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 and a friend for no reason. The officer stated that the complainant was detained because she was being investigated for jaywalking. Witnesses' versions of the event differed. It is not clear from the various conflicting statements what actually happened. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested her without cause. The officer stated that the complainant was arrested because she jaywalked, and delayed the citation and resisted arrest. Witnesses' versions of the event differed. It is not clear from the various conflicting statements what actually happened. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/06/06 **DATE OF COMPLETION:** 01/10/08 **PAGE# 2 of 7**

SUMMARY OF ALLEGATION #3: The officer spoke and behaved inappropriately toward the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer was aggressive, yelling at her friend and her. The officer denied the allegation. Witnesses' versions of the event differed. It is not clear from the various conflicting statements what actually happened. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to write an accurate incident report.

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

FINDINGS OF FACT: The officer stated that the incident report narrative he wrote was true and correct. Witnesses' versions of the event differed. It is not clear from the various conflicting statements what actually happened. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the officer fabricated charges against her. The officer stated that the complainant was arrested because she delayed the officers and resisted arrest. Witnesses' versions of the event differed. It is not clear from the various conflicting statements what actually happened. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: 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 for no reason. The officer stated that the complainant was detained because she was being investigated for jaywalking and delaying the officers. Witnesses' versions of the event differed. It is not clear from the various conflicting statements what actually happened. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer failed to write an accurate incident report attachment.

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

FINDINGS OF FACT: The officer's statement attached to the incident report appeared to omit important information. The officer stated that he wrote only his perceptions in his statement and did not mean to omit important information. There were no witnesses to the officers' motivation for writing what he did. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: 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 and a friend for no reason. The officer stated that the complainant was detained because she was being investigated for jaywalking. Witnesses' versions of the event differed. It is not clear from the various conflicting statements what actually happened. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the officer added a false charge to the citation he gave her. She denied doing that for which she was cited. The officer stated that he added the charge at the behest of another officer who called him and told him to add the charge. The evidence shows that a sergeant asked this officer to add the charge, and the officer followed this order by adding the charge. The evidence shows that the officer did not fabricate the charge, and that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #10: The officer used unnecessary force during the arrest of the complainant.

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

FINDINGS OF FACT: The officer stated that he walked up behind the complainant when she was not resisting and twisted her arm. The evidence shows that the force used was not necessary. The complainant was injured during this incident. The evidence shows that the injury would not have occurred but for the force used by the officer and that the force used was excessive and unnecessary. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #11: The officer failed to give appropriate identification.

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

FINDINGS OF FACT: The officer was wearing a jacket with another officer's name embroidered on it. When the complainant asked for his name, he did not give his name, but told her to look at her citation where his name appears. The SFPD General Order requires that an officer's name be given upon request, but this officer did not. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #12: The officer failed to appropriately investigate a use of force.

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

FINDINGS OF FACT: The officer was the supervisor called to the scene of this incident. He admitted that he did not interview the complainant although he knew that the complainant wanted to talk with him, and did not determine the extent of the complainant's injury. Despite missing this important information, he concluded his investigation, found that the officer had behaved properly and did not write a memo with his findings or notify a superior about the incident. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #13: The officer failed to receive a citizen complaint of police misconduct.

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

FINDINGS OF FACT: The officer was the supervisor called to the scene of this incident. He admitted that he did not contact and talk with the complainant although he knew that the complainant wanted to make a report about the incident. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/29/07 **DATE OF COMPLETION:** 01/12/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he asked other officers at the scene why they did nothing to stop the named officer from using unnecessary force. The officers at the scene denied seeing the named officer use unnecessary force. The named officer denied using unnecessary force. The complainant's friend said he saw an officer grab the complainant by the neck and tell him to sit on the curb. Jail medical records document red marks on the complainant's neck and shoulder. Photographs taken by the OCC document redness and bruising to the complainant's neck and arms. The investigation did not identify any officer based on the existing evidence. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers at the scene denied seeing any of the alleged force. The complainant's friend said he saw an officer grab the complainant by his neck. Jail medical records document red marks on the complainant's neck and shoulder. Photographs taken by the OCC document redness and bruising to the complainant's neck and arms. There is insufficient evidence to determine the level of force necessary to detain the complainant.

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

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

FINDINGS OF FACT: The evidence documents that the complainant was in the company of men who engaged in physical and destructive conduct. The complainant also admitted to being under the influence of alcohol. A security guard said the complainant was intoxicated. The complainant was booked at the county jail for public intoxication. The actions of the officer were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The officer denied using any of the alleged profanity. No other witness heard the profanity. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied making any of the alleged comments. No other witness heard the comments. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-4: The officers detained a young man without justification.

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

FINDINGS OF FACT: The complainant stated the officers detained the young man because they had profiled him. The officers denied the allegation. The investigation showed that the officers detention and release of the young man was justified and done per DGO 5.03.

SUMMARY OF ALLEGATION #5-6: The officers drew their weapon without justification.

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

FINDINGS OF FACT: The complainant stated the officers drew their weapons without regard to families and children who were present. The officers denied the allegation. The officers said that the presence of children and families does not change their tactics. The officers both drew their weapon based on the young mans act of running into the building combined with the information given to them that the suspect was known to be armed. The officers had their weapon drawn to enter the building and cleared it for safety reasons and then upon seeing the suspects hands they holstered their weapon. DGO 5.02 permits officers to draw their weapons for their own safety and safety of others.

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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:

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DATE OF COMPLAINT: 06/26/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1 & 2: The officers failed to follow proper procedures concerning a juvenile.

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

FINDINGS OF FACT: The complainant said she learned from her cousin that her juvenile son had been arrested. The complainant went to the police station to inquire about why she had not been notified that her son was in custody. A sergeant told her officers telephoned her son's aunt because that was the name and telephone number he provided to officers. The named officers said when they asked the complainant's son for his guardian's name and phone number, he gave them the name of a woman he said was his aunt, and that they contacted her. The complainant's son failed to respond to multiple requests to be interviewed by Office of Citizen Complaints or to sign a release to allow Office of Citizen Complaints to obtain records concerning his arrest. The complainant failed to provide requested information to the Office of Citizen Complaints. A preponderance of the evidence established that the named officers contacted an individual the complainant's son identified as his guardian and that therefore their actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 - 3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers made inappropriate comments. The officers denied the allegation(s). There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer used a racial slur.

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

FINDINGS OF FACT: The complainant stated the officer made racial derogatory comment. The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to provide his star number. The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity while he was in custody. The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/03/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant admitted he double-parked his thirty foot tractor-trailer truck on Post Street. The complainant's passenger confirmed the vehicle was double-parked. The complainant stated the officer came to him and advised him to move his truck or he would be cited, arrested and a point would go to his license. The passenger stated they moved the truck even though they told the officer they would not be long in the double-parked position. The complainant moved his truck to the curb although he admitted that his truck still stuck out into the loading zone of a hotel. No citation was issued by the officer.

Pursuant to Department General Order 9.01 I 1(a), Department Policy is that the goal of the Department's traffic enforcement program is to reduce collisions, facilitate traffic flow and ease parking congestion. Department General Order 9.01 I 1(b) states in pertinent part, traffic enforcement is a major priority of the department and an important task assigned to uniformed personnel. Members shall give priority to enforcing violations consistent with the above goals. The officer's actions were appropriate and lawful pursuant to department policy and procedures. The officer's statements to the complainant were factual and did facilitate the flow of traffic when the complainant parked his truck out of the traffic lane.

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:** 01/30/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer refused to assist her. The officer denied the allegation. There were no witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer's action were lawful, justified and appropriate.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 01/12/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he was drinking aboard a friend's boat and then at a bar/restaurant. The complainant did not recall the specific number of alcoholic beverages he consumed, but acknowledged being highly intoxicated. The complainant recalled being escorted off the premises of the bar/restaurant by security personnel but did not recall what happened between that time and when he was detained by police several hours later. The complainant did not remember being handcuffed or transported to the police station. The complainant said while standing at the counter of the police station, he insulted the female officer standing on the other side of the counter, who then twice struck him in the jaw with a baton. The complainant said two officers drove him to San Francisco General Hospital where they released him. The complainant fell asleep outside the hospital. The complainant sought medical treatment the following day at another hospital and learned his jaw was broken. Officers who detained and transported the complainant said he was detained for being intoxicated in public outside a nightclub where he was harassing patrons. The complainant was transported to the station but never reached the booking area because a sergeant directed the transporting officers to transport the complainant to the hospital for treatment of a bruise to his forehead and to release him there. The female officers who were at the station or who had contact with the complainant denied striking him in the face, and witness officers said they did not see the complainant hit or struck while in custody. San Francisco Police Department investigators visited the police station and determined that there is a partition atop the counter there that would prevent an officer behind the counter from striking an individual. These investigators located and interviewed a security guard at the bar/restaurant the complainant was ejected from who said he punched the complainant in the jaw while ejecting him. A forensic pathologist who reviewed the complainant's medical records said the complainant sustained a fracture to his jaw caused by a side impact from a broad/flat instrument consistent with being struck by a fist. The expert said a strike to the jaw with a baton would typically leave a patterned abrasion, but that the records contained no such description. This expert opined that a strike with a baton was unlikely to have caused the injury to the complainant's jaw. The complainant's intoxicated state, his inability to remember significant periods of time and significant events on the night of the incident and his description of an unobstructed counter at the police station that does have a partition raises significant questions about the reliability of his account of force used against him. A civilian's admission of having struck the complainant in the jaw, coupled with an analysis of the complainant's medical records provides a credible alternative explanation for how the complainant sustained the injury he claims was caused by an officer. A preponderance of the evidence proved that the complainant was not struck in the jaw by an officer. Additionally, there is insufficient evidence to positively identify the officer the complainant claimed assaulted him.

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DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 01/12/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2 & 3: The officers failed to provide medical treatment to the complainant.

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

FINDINGS OF FACT: The complainant said he was assaulted by an officer at a police station, then driven to San Francisco General Hospital by other officers who let him out of their car in front of the hospital. The complainant, who had been drinking heavily, fell asleep near some bushes outside the hospital. The named officers said they detained the complainant for being drunk in public and transported him to the station. The named officers said the complainant had a bruise on his forehead when they encountered him, and when they arrived at the station a sergeant directed them to drive the complainant to the hospital and release him. A San Francisco Police Department trainer who trains officers on procedures for handling arrestees who are injured said that under the circumstances it was permissible for the officers to release the complainant outside the hospital and that they were not required to accompany him inside. A criminal investigation into the complainant's claim that he was assaulted by an officer found no evidence to support his allegation, and determined that the complainant had been assaulted by a civilian earlier that evening. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/07 **DATE OF COMPLETION:** 01/19/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers did not ask him for his side of the story, did not listen to his wife regarding their mentally incompetent daughter, released their grandchildren to his daughter, and allowed the children to be transported without car seats. The officers denied the allegation. Two witnesses admitted that there were no court orders as to the custody of the grandchildren or the conservatorship of the complainant's daughter. Two witnesses stated the children had no car seats. The CAD documented that one reportee described a child in a car seat. Two witnesses were not available for interviews. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was the victim and should not have been arrested. The officer denied the allegation. One witness did not see the traffic collision that led to the complainant's arrest. The accident investigation documented that the complainant was at fault for the vehicle accident and that it was an intentional assault with a deadly weapon. The complainant admitted to going after the car with the intention of stopping his daughter's boyfriend from taking his daughter and grandchildren. Two witnesses were not available for interviews. The physical evidence along with documented evidence show that the complainant's actions led to his arrest.

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

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

FINDINGS OF FACT: The complainant said he requested that the officers call a sergeant or lieutenant to the scene so he could explain his family situation, the officers ignored him. The officer stated he did not recall if the complainant asked for him to call a sergeant to the scene. There were no witnesses to the officer and complainant's conversation. 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 made inappropriate comments and exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant said he went to one of the Department's investigative units to make a statement concerning a crime of which he was a victim. The complainant said the named officer approached and began speaking without introducing himself and referred to the complainant by his first name, which the complainant considered disrespectful. When the complainant told the named officer he had served in the military and received decorations, the named officers asked to see proof of his service, which made the complainant feel that the named officer thought he was lying. The named officer said the complainant was talking loudly to no one in particular as he waited for his case investigator to arrive and was acting in a nervous and restless manner. The named officer said he conversed with the complainant to calm him, and offered support for the complainant's situation as a crime victim. When the complainant said he had served in the military in Iraq, the named officer said he had also served in that conflict and discussed the complainant's discharge record, but did not accuse the complainant of lying. There were no available witnesses to the conversation. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION #2: This complaint raises matters outside OCC's jurisdiction.

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

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

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

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SUMMARY OF ALLEGATION #1-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant said he was seated on the sidewalk when three men in civilian clothes who did not identify themselves as police officers approached him. Without saying anything, two of these men grabbed the complainant, while the third grabbed at the complainant's bag. Fearing he was being robbed, the complainant attempted to fight back and escape, but was taken to the ground and handcuffed. The named officers said they were conducting a fugitive recovery operation seeking fugitives and parole violators. The complainant, who they saw seated on the sidewalk, closely resembled a parolee at large they had been seeking for several months. They approached the complainant, identified themselves as police officers and asked him for identification. The complainant was hostile and non-compliant, said he did not have identification and grabbed for a bag between his legs. When the officers attempted to stop the complainant from reaching into the bag, he began resisting and struck one of the officers. No witnesses to the interaction were identified. The evidence established that the officers had justification for a consensual encounter with the complainant to determine whether he was the parolee they were seeking. The officers and the complainant differ significantly in their description of the interaction that resulted in the complainant being detained and handcuffed. Therefore, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-6: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant said he feared he was being robbed, so he attempted to fight back and escape, but was taken to the ground and arrested for assaulting a police officer. The named officers said they approached the complainant, identified themselves as police officers and asked him for identification. The complainant was hostile and non-compliant, said he did not have identification and grabbed for a bag between his legs. When the officers attempted to stop the complainant from reaching into the bag, he began resisting and struck one of the officers. The complainant was arrested for resisting and battery of a police officer. No witnesses to the interaction were identified. There is insufficient evidence to prove or disprove whether the complainant knew the men to whom he was offering physical resistance were police officers. Therefore, there is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7-9: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant said he was seated on the sidewalk when three men in civilian clothes who did not identify themselves as police officers approached him. Without saying anything, two of these men grabbed the complainant, while the third grabbed at the complainant's bag. Fearing he was being robbed, the complainant attempted to fight back and escape. Two of the officers grabbed the complainant's wrists and the third officer told them to hold the complainant. The two officers leaned the complainant forward so his head was out in front of him while the third officer grabbed the complainant by the back of the neck and struck him in the face with his knee several times. These blows left the complainant with a black eye. The complainant was then placed face down on the ground and handcuffed. The third officer said the officer approached the complainant, identified themselves as police officers and asked him for identification. The complainant was hostile and non-compliant, said he did not have identification and grabbed for a bag between his legs. When the officers attempted to stop the complainant from reaching into the bag, he began resisting and struck one of the officers. The third officer said after the complainant punched and grabbed his legs, he used a knee strike to the complainant's left shoulder to break the complainant's grasp and gain compliance. The complainant continued to resist and the third officer made two more knee strikes to the complainant's left side, attempting to strike him in the shoulder or thigh. The third officer said the complainant's injury to the left side of the face was likely caused by one of the knee strikes but denied intentionally striking the complainant in the face with his knee. The other two officers denied holding the complainant so the third officer could strike him in the face. The complainant's medical records document significant swelling around his left eye. No witnesses to the interaction were identified. There is insufficient evidence to establish the level of force necessary to subdue the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT The complainant alleged the officers detained him without justification. The officers denied the allegation and stated they arrested and cited the complainant for crossing the street against a red light. One witness said she and the complainant crossed the street and were already on the first lane when the pedestrian crosswalk light turned green. No other witnesses came forward. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during detention.

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary force during his detention. A witness said she saw the officers grab and push the complainant toward the fence. The officers denied the allegation and noted that the complainant was verbally abusive and was acting irrationally. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATION #5: The officer tightly handcuffed the complainant.

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

FINDINGS OF FACT The complainant alleged the officer placed him in tight handcuffs on him. The officer denied the allegation and stated that he double-locked the handcuffs and checked its degree of tightness. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers pat-searched the complainant without justification.

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

FINDINGS OF FACT: The officers stated that the search was conducted incident to a lawful arrest. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #8: The officer searched the complainant's personal property without justification.

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

FINDINGS OF FACT: The evidence shows that the complainant was lawfully arrested and the search was conducted while the complainant was in custody at a police station. The officer said the complainant was about to be booked for jaywalking 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 #9: The officers seized the complainant's property.

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

FINDINGS OF FACT: The complainant alleged the officers seized his property for no reason. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant alleged the officers intentionally damaged his property. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer issued the complainant a citation without justification.

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

FINDINGS OF FACT: The complainant alleged the officers issued him a citation without justification. The evidence shows that the complainant lawfully arrested and cited for jaywalking. The evidence proved that the acts, which provided the basis for the allegations occurred. However, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #12-14: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant alleged the officers failed to provide their names and star numbers when asked. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #15-16: The officers selectively enforced the law against the complainant.

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

FINDINGS OF FACT: The complainant alleged that his detention was racially motivated. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: Witnesses positively identified the complainant to the detaining officers. The actions of the officer were justified, lawful and proper.

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

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

FINDINGS OF FACT: The victim positively identified the complainant to the arresting officers and signed a Citizen's Arrest form. The actions of the officer were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no positively identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #6: The officer conducted himself in an inappropriate manner.

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

FINDINGS OF FACT: Officers on scene denied observing the named member commit the alleged act. The named member denied committing the alleged act. 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 cause.

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The officers denied the allegation. The officers stated the complainant was detained for interfering with a narcotics investigation and subsequently arrested for an outstanding warrant. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was handcuffed without cause. The officers denied the allegation. The officers stated the complainant was handcuffed after being detained for interfering with a narcotics investigation and later arrested for an outstanding warrant. There is insufficient evidence to prove that the complainant was engaged in activity that would lead to his arrest and subsequent handcuffing.

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SUMMARY OF ALLEGATION # 5: For seizure of the complainant's property.

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

FINDINGS OF FACT: The complainant stated officers confiscated his video camera and cash. The officers denied the allegation. According to the officers, none of the complainant's property was confiscated. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 6 - 7: The officers searched the complainant without justification.

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

FINDINGS OF FACT: The officers stated the complainant was detained for interfering with a narcotics investigation. The officers stated the complainant was subsequently searched for weapons. No witnesses came forward to support the officers' claim that the complainant interfered with their narcotics investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Both the complainant and the arrestee failed to cooperate with the investigation. Without their cooperation, the investigation could not go forward.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION # 1: The officers failed to comply with Knock and Notice requirements.

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

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

Officer In Charge
Narcotics Task Force
San Mateo County Sheriff's Office
400 County Center
Redwood City, CA 94063

SUMMARY OF ALLEGATION # 2: The officers made entry into the complainant's residence without cause.

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

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

Officer In Charge
Narcotics Task Force
San Mateo County Sheriff's Office
400 County Center
Redwood City, CA 94063

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SUMMARY OF ALLEGATION #3: The officers failed to provide a copy of the search warrant at the beginning of the entry.

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

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

Officer In Charge
Narcotics Task Force
San Mateo County Sheriff's Office
400 County Center
Redwood City, CA 94063

SUMMARY OF ALLEGATION #4-7: The officers detained the complainant and her son without justification.

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

FINDINGS OF FACT: The complainant said the officers were looking for tenants that did not live there anymore and should not have detained the residents inside the house. The SFPD officers were there to assist the San Mateo Sheriff's Deputies in their investigation and execution of this search warrant. The officers stated that the detainees were released per 849b PC. The San Francisco Police Department officers documented their involvement in an Incident Report and included copies of the 849 b PC forms issued to individuals that they detained. The officers followed the guidelines of DGO 5.03.

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SUMMARY OF ALLEGATION #8-11: The officers failed to provide Miranda Advisement

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

FINDINGS OF FACT:. The complainant said that while they were detained no one read them their rights. The officers were not required to read Miranda advisements when they detained the residents in the house because they were neither arrested nor interrogated

SUMMARY OF ALLEGATION #12: The officers damaged property.

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

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

Officer In Charge
Narcotics Task Force
San Mateo County Sheriff's Office
400 County Center
Redwood City, CA 94063

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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 complainant's letter stated the officers ordered him to vacate the premises despite his right to tenancy. The offices denied the allegation. The officers stated that both the complainant and landlord came to a mutual agreement that the complainant would move out by September 1, 2007. The witness did not respond for an interview. The complainant never responded for an interview. There is insufficient evidence to prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: .

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

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

FINDINGS OF FACT: The complainant said he was on the sidewalk where he does performances for passerby. The named officer told the complainant he was blocking the sidewalk and told him to pack up his things and move or else the officer would arrest him for outstanding warrants. The named officer then arrested the complainant.

The named officer stated he knew that the complainant, who is well known to the patrol officers in that area, had outstanding warrants for his arrest and that after confirming these warrants, he placed the complainant under arrest. Department records indicate the complainant had outstanding arrest warrants at the time of this incident. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force on the co-complainant.

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

FINDINGS OF FACT: The complainant said he was in the holding area at the police station when another man wrapped a shoelace around his neck and jerked it upward, attempting to hang himself. The officer who had arrested this man calmed him down and was in the process of removing his shoe and shoelace when the officer who had arrested the complainant punched this man in the chest.

The co-complainant said while seated in the holding area at the police station with one hand cuffed to a railing he placed one of his shoelaces around his neck. The officer who arrested the co-complainant convinced him to relinquish the shoelace, then handcuffed both of his hands to the railing. The named officer was trying to remove the shoelace from the co-complainant's shoe, which the co-complainant objected to because he did not know this officer. The co-complainant moved his foot around and the named officer, who apparently thought the co-complainant was going to kick the arresting officer, grabbed the co-complainant's leg and punched him in the chest. The named officer subsequently told the

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co-complainant he thought the co-complainant was about to kick the arresting officer. The co-complainant said he told medical personnel at the jail that he had been struck in the chest.

The co-complainant's jail medical records do not contain any mention of the co-complainant being struck in the chest or experiencing pain in the chest area.

The officer who arrested the co-complainant said he was attempting to remove the co-complainant's shoes, possibly with some assistance from the named officer. The co-complainant held his feet down but did not do anything with his feet that would constitute a battery. The arresting officer did not recall seeing the named officer pull the co-complainant's leg or strike him. A sergeant who was present in the holding area said he did not recall anyone removing the co-complainant's shoes nor did he recall the named officer having any interaction with the co-complainant.

The named officer said he was in the holding area observing an officer who had arrested the co-complainant remove the co-complainant's shoelaces from his shoes. When he saw the co-complainant pull his foot away, the named officer went to assist and held the co-complainant against the wall by placing his forearm against the co-complainant's chest. The named officer denied striking the co-complainant or attempting to remove his shoelaces. No other witnesses were identified. 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 behaved inappropriately and made rude comments.

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

FINDINGS OF FACT: The complainant stated that the officer made rude, challenging and inappropriate gestures and comments in the courtroom.

The officer denied the allegation. Witnesses gave conflicting and inconclusive statements regarding the actions of the officer. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force on the complainant's son.

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

FINDINGS OF FACT: The officers denied the allegation. Witnesses gave conflicting and inconclusive statements regarding the actions of the officers. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer arrested a family friend without cause.

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

FINDINGS OF FACT: The officer denied the allegation and said that the family friend was arrested for threatening another officer. Witnesses gave conflicting and inconclusive statements. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer used excessive force during a family friend's arrest.

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

FINDINGS OF FACT: The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to properly process personal property.

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

FINDINGS OF FACT: The officer confiscated the complainant's cell phone and booked it as evidence. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer cited her without cause for making an improper right hand turn. The complainant admitted she was not in the right hand lane when she made the turn. The complainant asserted that the officer acted as he did due to her race, age and sexual orientation, and said she believed the named officer had his female partner give her the citation because he assumed the complainant was a lesbian and wanted her to connect with his female partner. The named officer and his partner stated they cited the complainant after she made an improper right turn at an intersection from the center lane. An analysis of all the evidence, including the complainant's statement about how she made the right hand turn and her assertions about the motivations for the named officer's behavior, establishes, by a preponderance of the evidence that the named officer was justified in citing the complainant. Therefore, the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant said the named officer failed to ensure that his trainee officer prepare an accurate traffic court response concerning the citation the complainant received for making an improper right hand turn. The named officer also failed to accurately describe which officer spoke to the complainant about the citation when he testified at her traffic court hearing. The named officer said he was the training officer for his partner (who had recently graduated from the police academy). The named officer said he made initial contact with the complainant about the traffic violation and obtained her license and registration. The named officer's trainee then presented the citation to the complainant and explained the citation to her. The named officer's partner confirmed this. The named officer also said he did not review his trainee's traffic court response. The named officer's partner said she prepared a traffic court response and sent it to the traffic court, but did not retain a copy but that the named officer did not review it. The clerk of the traffic court told OCC that traffic court responses from officers are provided to the individual contesting the citation, but the traffic court does not retain them after the case is resolved. Traffic court proceedings are not recorded or transcribed. The complainant told OCC her traffic court case had been resolved, but she did not have a copy of the traffic court response submitted by the named officer's partner. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/06/07 **DATE OF COMPLETION:** 01/19/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied committing any of the alleged acts. Two witness officers denied that the named member committed any of the alleged acts. Jail medical records document that three days after incident he was treated for “2 linear abrasions approximately 3-4 mm in length, healing, no drainage” to his left wrist. This injury was not documented during triage and there is no documentation made as to how the injury occurred. There were no other witnesses. There is insufficient evidence to reach a dispositive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/07 **DATE OF COMPLETION:** 01/12/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer stated he observed the complainant driving in a wildly reckless manner, including failing to stop at stop signs, driving on the wrong side of the road, and nearly colliding with a patrol car; the officer stated he cited the complainant for violating section 23101 of the California Vehicle Code (reckless driving.) Three officers also stated they observed the complainant driving in a reckless manner. There were no other witnesses. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he observed the complainant driving in a wildly reckless manner, including failing to stop at stop signs, driving on the wrong side of the road, and nearly colliding with a patrol car. The officer stated he towed the complainant's vehicle pursuant to section 22655.5(a) of the California Vehicle Code (the complainant's vehicle was used as the means of committing a public offense.) Three officers also stated they observed the complainant driving in a reckless manner. There were no other witnesses. There was no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/07 **DATE OF COMPLETION:** 01/12/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: Five officers took custody of the complainant. Each officer stated that no force was used to take custody of the complainant. There were no witnesses. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-5: The officers drew their firearms without cause.

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

FINDINGS OF FACT: The officers stated they observed the complainant driving in a wildly reckless manner, including failing to stop at stop signs, driving on the wrong side of the road. When they initiated a traffic stop, the complainant suddenly lurched his vehicle toward the patrol car. The complainant also failed to obey the officer's commands to turn off the ignition and exit his vehicle. Both officers stated they believed the complainant might use his vehicle as a deadly weapon and so drew their weapons until the complainant was removed from his vehicle by other officers and handcuffed. Three other officers stated they did not see the named officers draw their weapons. Department General Order 5.01 states officers may draw their weapons if they reasonably believe it is necessary for their safety, or the safety of others. There were no other witnesses. There was no additional evidence to further prove or disprove the allegations.

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DATE OF COMPLAINT: 09/10/07 **DATE OF COMPLETION:** 01/12/08 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officers threatened the complainant.

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

FINDINGS OF FACT: Each of the five officers at the scene denied threatening the complainant. There were no other witnesses. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/07 **DATE OF COMPLETION:** 01/19/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: This incident involved a civil dispute. The officers stated the co-complainant did not ask for an incident report. The co-complainant failed to respond to the Office of Citizen Complaints contact attempts. A witness stated the co-complainant did not ask for an incident report. A third officer at the scene also stated the co-complainant did not ask for an incident report. The complainant also stated the co-complainant asked for a citizen's arrest. The officers denied that the co-complainant asked for a citizen's arrest, as did the witness and the witness officer. Because there is a factual dispute as to whether the co-complainant asked for a citizen's arrest, which would have necessitated an incident report, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-7: The officers failed to accept a citizen's arrest and take custody of the co-complainant's landlady.

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

FINDINGS OF FACT: This incident involved two visits to the co-complainant's "assisted adult living" residence regarding a dispute between the co-complainant and the owner of the residence. The co-complainant failed to respond to the Office of Citizen Complaints contact attempts. The two (2) officers who responded the first time stated the co-complainant did not ask for a citizen's arrest and did not ask the officers to take physical custody of the residence owner. The residence owner as well as a witness officer confirmed the officers' statements. One of the officers who responded to the scene the second time stated the co-complainant could not provide any reason for the citizen's arrest. A second officer stated he did not have the authority, pursuant to Department Bulletin 07-88 to accept a citizen's arrest without a description of a crime that had occurred or a reasonable explanation as to why the person of suspicion is associated with a crime. A third officer stated he had a very limited role at the scene and did not know whether the co-complainant asked to make a citizen's arrest. Department General Order 5.01 states that officers are not obligated to receive a citizen's arrest if the arrest is unsupported by probable cause to believe that a crime had been committed. The officers' conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/10/07 **DATE OF COMPLETION:** 01/19/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #8: The officer ordered the co-complainant to turn off his speakerphone.

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

FINDINGS OF FACT: None of the officers who responded to the scene recalled telling the co-complainant to turn off his speakerphone. A witness stated the officers did not ask the complainant to turn off his speakerphone. The co-complainant failed to respond to the Office of Citizen Complaints contact attempts to identify the officer. There were no other witnesses. An officer could not be identified.

SUMMARY OF ALLEGATIONS #9-11: The officers failed to resolve a landlord-tenant dispute.

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

FINDINGS OF FACT: This incident involved a landlord-tenant dispute. Police officers have no duty to resolve civil disputes. The officers' actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/07 **DATE OF COMPLETION:** 01/19/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made a rude comment and used profanity.

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

FINDINGS OF FACT: The complainant said the officer made rude statements and used profanity during a traffic stop. The named officer denied the allegation. The named officer's partner said he was inside the patrol car and could not hear his partner's conversation with the complainant. There were no other witnesses to the interaction between the complainant and the officer. 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: 10/05/07 **DATE OF COMPLETION:** 01/16/08 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer did not investigate his case of vandalism. The officer denied the allegation, stating he investigated the case, spoke to the parties involved and submitted the case to the District Attorney. The District Attorney declined to issue a warrant and the case was closed. Department records document the District Attorney's declination and that the officer left a message for complainant upon case closure. The officer's actions were proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer never returned his call to find out the status of the case after his initial call. The complainant also stated that the officer's alleged inaction might be due to a conflict of interest. The inspector denied the allegation. The chronological does not document any calls/messages left by the complainant, only calls made by the officer to the complainant. There are no witnesses or evidence as to the officer's alleged conflict of interest. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/07 **DATE OF COMPLETION:** 01/30/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 25, 2008.

SUMMARY OF ALLEGATION #2: The officer entered the complainant's residence 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 25, 2008.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/05/07 **DATE OF COMPLETION:** 01/30/08 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer searched the complainant's home 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 25, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/07 **DATE OF COMPLETION:** 01/19/08 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no independent witnesses who could credibly provide testimony about the alleged traffic violation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no witnesses who could describe the entire conversation and actions of the officer. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/09/06 **DATE OF COMPLETION:** 01/19/08 **PAGE #** 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the officers committed perjury on their written declarations to the court supporting their motion for summary of judgment. The officers stated they did not commit perjury or misrepresent the truth on their court declarations. There is insufficient evidence to prove or disprove the allegations 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: 10/16/07 **DATE OF COMPLETION:** 01/19/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Both officers stated the complainant violently resisted arrest while armed with a knife, a large chain and a bottle. The complainant acknowledged he had a chain. Both officers stated the complainant spit in their faces, threatened to kill the officers and attempted to strike the officers with his legs and his head. One officer stated he employed a hammer fist strike to avoid getting hit by the complainant. The officers stated the complainant sustained a small laceration on his right eyebrow while he was struggling on the ground. A witness stated he saw the complainant assault several pedestrians and also saw the complainant strike an elderly woman's head with his chain, knocking her to the ground. The witness stated he observed the complainant's arrest; his statement was consistent with the officers' statements. The officers' actions were proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/07 **DATE OF COMPLETION:** 01/12/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was not doing anything wrong and was not intoxicated. The officers stated the complainant exhibited the signs of intoxication and was not able to care for herself and was on top of a hood of a car preventing any movement in the middle of the intersection. The witness corroborated the officers' statement.

SUMMARY OF ALLEGATION #3-4: The officers used excessive force during the incident.

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

FINDINGS OF FACT: The complainant said she was grabbed by the arms and handcuffed tightly and had bruises on her arms. The officers denied using excessive force. The officers stated the complainant was resisting entrance into the patrol car and exiting the patrol car. The photographs of complainant's wrists, which she attributes to tight handcuffs, are not consistent with injuries of tight handcuffs. The witness stated the officers were not abusive towards the complainant and said the officers were mild mannered during the incident. The complainant also admitted that she does not know what happened between the time she was transported from the scene to the time she woke up in jail. There were no other witnesses.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/30/07 **DATE OF COMPLETION:** 01/12/08 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #5-6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers did not tell her why she was arrested and was not given paperwork. The officers stated that this was a 647 (F) arrest at CJ # 9 and they do not give any paperwork to the arrested person. The officers stated the complainant was intoxicated and not able to care for herself. The witness corroborated that the complainant did not make any sense and was stopping traffic and laid on the top of the hood of a car she stopped. There were no other witnesses. The officers completed a public intoxication report for the complainant, which is required.

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:** 01/15/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he got into a vehicle with an undercover officer seeking to buy drugs. The complainant refused to state whether he gave the undercover officer suspected crack cocaine and received marked funds in return. The complainant fled from the vehicle and was stopped and handcuffed by two other plainclothes officers. The named officer said he saw the complainant chewing something which the complainant refused to spit out. The named officer believed the complainant was destroying evidence and applied pressure to the complainant's mastoid with his thumb in an attempt to force the complainant to open his mouth. One of the other members of the arrest team said he saw the marked city funds in the complainant's mouth and then saw the named officer apply the mastoid technique with his thumb. No witnesses were identified. The complainant's medical records document a lower jaw contusion and complaint of lower jaw pain. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the named officer deliberately stepped on his eyeglasses, which fell to the ground during his arrest. The named officer said he accidentally stepped on the complainant's eyeglasses during the complainant's arrest. One of the officers who participated in the complainant's arrest said the complainant's glasses fell off during the arrest but he does not know how they were broken. The other officer who participated in the complainant's arrest said he did not know what happened to the complainant's glasses. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/28/06 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer conducted a search beyond the scope of authority.

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

FINDINGS OF FACT: The complainant said during a strip search at the police station the officer inserted his finger into the complainant's rectum. The named officer said he visually inspected the area around the complainant's anus but denied inserting his finger into the complainant's rectum. The other officer participating in the strip search denied that anyone inserted his finger into the complainant's rectum. The two officers conducting the strip search could not identify other officers who assisted them in subduing the complainant when he became physically resistant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 4 - 6: The officers used unnecessary force at the station.

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

FINDINGS OF FACT: The complainant said during a strip search at the police station officers threw him to the floor and one officer kicked him in the stomach. The complainant became combative, and the named officers wrestled him to the ground with the help of two unidentified officers from the station. The named officers denied that anyone kicked the complainant. A female officer said she saw the two named officers holding the complainant on the floor in the holding area, but she left immediately afterwards. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:11/02/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1of 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 he was issued a citation for making unsafe lane changes. The complainant denied that he made unsafe lane changes. A friend and witness for the complainant stated the complainant did not make unsafe lane changes, however the witness stated he proceeded onward across Market Street as the complainant and officer turned from Gough Street onto westbound Market Street, away from the witness and out of his view. The officer stated the complainant drove aggressively and was swerving in and out of southbound traffic in an attempt to pass the officer. The officer stated the complainant tailgated him and quickly passed him at the bottom of Gough Street. At this location, the complainant and officer turned westbound onto Market Street, while the witness continued southbound on Gough across Market Street. The officer stated he pulled the complainant over after the complainant passed him on the left and flashed his headlights at the officer. There were no independent witnesses to this incident. There is insufficient evidence to either prove or disprove the allegation in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was detained for no reason. The officer stated he detained the complainant to issue a citation for unsafe lane changes and to advise the complainant regarding tailgating and the use of high beams. One witness stated the complainant did not make unsafe lane changes. The complainant admitted that he flashed his high beams at the officer but only to get the officers attention regarding the officers unsafe driving. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/02/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the officer made several unsafe lane changes and was driving aggressively. The officer denied the allegation and stated he was driving appropriately as he searched the area for suspicious persons he had observed running in the neighborhood where several strong-arm robberies had occurred. 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/07 **DATE OF COMPLETION:** 01/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer asked an inappropriate question.

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

FINDINGS OF FACT: The complainant stated that, during a traffic stop, the officer phrased one question to the complainant in a very disrespectful manner. The Office of Citizens Complaints found that the question, even if was phrased in the manner described by the complainant, did not violate the department policy on public courtesy and did not constitute any misconduct. Given the circumstances of this incident, the officer's question was reasonable and justified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/18/07 **DATE OF COMPLETION:** 01/19/08 **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: When contacted by the Office of Citizen Complaints, the complainant said he did not want to pursue a complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/14/07 **DATE OF COMPLETION:** 01/23/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT The complainant alleged the officer issued him a citation without cause. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 01/11/08 **PAGE #1** of 2

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 #2: The officer towed a vehicle without cause.

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

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

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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 01/11/08 **PAGE #2 of 2**

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

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 officer failed to properly process property.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 01/02/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers drove a police vehicle negligently.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer damaged property.

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

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

SUMMARY OF ALLEGATION #2: The officer damaged property.

CATEGORY OF CONDUCT: UA **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: 11/01/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1 of 1

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

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: 11/19/07 **DATE OF COMPLETION:** 01/30/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer arrested 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, 2008.

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

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 January 18, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/07 **DATE OF COMPLETION:** 01/30/08 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 18, 2008.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 18, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/07 **DATE OF COMPLETION:** 01/25/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer exhibited a rude manner.

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

FINDINGS OF FACT: The complainant said he stopped his vehicle in a bus zone. The officer approached the complainant's car and demanded his driver's license in a rude manner without explaining why he was issuing a citation. After giving the complainant the citation for illegally stopping in a bus zone, the officer said he had been stopped behind the complainant's car waiting for the complainant to leave. The complainant asked the officer why he hadn't honked his horn or siren to get the complainant to move and the officer made a sarcastic comment, saying something about how if the complainant had been paying attention he would have noticed the officer behind him. The complainant's wife said the officer asked for the complainant's license in a rude and demanding manner without saying "please." The officer failed to look her husband in the eye when speaking to him. When her husband asked the officer why he hadn't signaled him to move, the officer told the complainant that if he had been paying attention the complainant would have seen him stopped behind his car. The complainant's wife thought the officer could have signaled her husband to move instead of stopping behind him. The named officer stated he stopped behind the complainant's vehicle which was parked in a bus zone and began to write a parking citation. When he was almost finished, he saw a woman enter the passenger side of the vehicle and he approached the driver's side and asked for the complainant's license. The complainant asked the officer if he had been stopped behind him for a while, and the officer responded affirmatively and said he had seen the complainant reading a newspaper. The officer returned to his patrol vehicle and completed the citation. When he gave it to the complainant, the complainant asked why the officer hadn't honked or signaled him to move. The officer replied that they did not want people parking in the bus zone because it caused bus passengers, especially elderly people and children to have to step out into the street to board the bus. The officer denied saying anything to the complainant to the effect that if he had been paying attention he would have seen the officer stopped behind him. The officer denied acting in a rude or sarcastic manner. No other witnesses to the interaction were identified. There is insufficient evidence to prove or disprove that the officer was rude in manner while addressing the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 01/15/08 **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: 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:** 01/24/08 **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: 11/19/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant's property was not processed properly.

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

FINDINGS OF FACT: This complaint stated that certain items were taken from him when he was arrested but these items were not returned to him upon his release from custody from County Jail. Despite multiple attempts to obtain evidence from the San Francisco Sheriff's office, the information requested has not been provided. Further attempts to contact the complainant have not been responded to. 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: 11/15/07 **DATE OF COMPLETION:** 01/08/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers acted inappropriately.

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

FINDINGS OF FACT: The complainant failed to provide sufficient factual information regarding the alleged misconduct as well as his/her contact information necessary for a meaningful Office of Citizen Complaints investigation. The Office of Citizen Complaints records showed that this complaint was previously investigated and closed.

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:** 01/16/08 **PAGE# 1 of 4**

SUMMARY OF ALLEGATION #1: The officer issued invalid orders without justification.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 14, 2008.

SUMMARY OF ALLEGATION #2: The officer's manner was threatening and his behavior was inappropriate.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 14, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/07 **DATE OF COMPLETION:** 01/16/08 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 14, 2008.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 14, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/07 **DATE OF COMPLETION:** 01/16/08 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #5: The officer misused the computer/CLETS.

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 14, 2008.

SUMMARY OF ALLEGATION #6: The officer engaged in selective enforcement.

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 14, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/07 **DATE OF COMPLETION:** 01/16/08 **PAGE#** 4 **of** 4

SUMMARY OF ALLEGATION #7: The officer used the CLETS system without justification.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 14, 2008.

OCC Added Allegation

SUMMARY OF ALLEGATION #1: The officer failed to issue a release certificate.

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 January 14, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/07 **DATE OF COMPLETION:** 01/31/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 31, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/06/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1 of 1

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

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

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

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: 12/06/07 **DATE OF COMPLETION:** 01/19/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint 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: 12/07/07 **DATE OF COMPLETION:** 01/28/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/07 **DATE OF COMPLETION:** 01/19/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: UF **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 cooperate with the Office of Citizen Complaints. The Office of Citizen Complaints 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: 12/11/06 **DATE OF COMPLETION:** 01/24/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated officers knocked on her residence door at 12:20 a.m. to investigate a complaint of noise that the officers were dispatched to. The complainant stated her family was not making noise and she did not understand why officers had to knock on her door. The complainant further stated she was involved in a landlord tenant dispute with her neighbor who is her landlord. The complainant stated she later realized that the landlord called police that night. Department records show that officers were dispatched to the scene at 12:24 a.m. for a noise complaint and that the reporting party requested a meeting with the officers. Department records further show that officers arrived on scene within four minutes of being dispatched, met the citizen and advised the involved parties. The call was routed as a 415 – neighbor dispute. Pursuant to Department General Order 1.03 8(a), officers are required to “Respond promptly to all assigned calls”. Furthermore, Department General Order 2.01 5 states “Members shall perform their duties promptly and according to Department Policies and Procedures”. The evidence shows that officers performed their duties promptly and lawfully pursuant to Department General Orders, policy and procedure when they responded to a call from dispatch and completed their assignment within twelve minutes of being dispatched.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/07 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Neither the complainant nor a witness could identify the officer. Officer Identification Polls were sent to the two stations nearest the location of the incident. Station captains polled their officers and all officers denied any contact with the complainant's daughter. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Neither the complainant nor a witness could identify the officer. Officer Identification Polls were sent to the two stations nearest the location of the incident. Station captains polled their officers and all officers denied any contact with the complainant's daughter. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/07 **DATE OF COMPLETION:** 01/28/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint 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: 12/24/07 **DATE OF COMPLETION:** 01/28/08 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: 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: 12/26/07 **DATE OF COMPLETION:** 01/10/08 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer(s) behaved inappropriately.

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: 01/02/08 **DATE OF COMPLETION:** 01/30/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 24, 2008.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 24, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/08 **DATE OF COMPLETION:** 01/15/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/08 **DATE OF COMPLETION:** 01/28/08 **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 21, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/08 **DATE OF COMPLETION:** 01/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/08 **DATE OF COMPLETION:** 01/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: