

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/10/05 **DATE OF COMPLETION:** 04/05/05 **PAGE#** 1 **of** 5

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

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

**SUMMARY OF ALLEGATION #2:** The officer seized the complainant's car keys without justification.

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

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

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

**SUMMARY OF ALLEGATION #4:** The officer failed to inform the complainant of her arrest charge.

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

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

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

**SUMMARY OF ALLEGATION #6:** The officer applied the handcuffs too tight.

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

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**SUMMARY OF ALLEGATION #7:** The officer engaged in retaliatory behavior.

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

**SUMMARY OF ALLEGATION #8:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

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**SUMMARY OF ALLEGATION #9:** The officer engaged in inappropriate behavior and comments.

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

**FINDINGS OF FACT:** The co-complainant stated that the officer made inappropriate comments including a threat to arrest her as well as inappropriate language about an intoxication arrest, and dismissive remarks toward her. The co-complainant and the officer both gave partial information to assist OCC in identifying and interviewing potential witnesses. Two officers identified by both the co-complainant and the officer denied being witnesses to the alleged behavior. OCC attempts to locate other witnesses were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer's behavior towards the complainant was inappropriate.

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer's partner and a sergeant who arrived later on scene stated the officer's demeanor was calm and professional. There were no other witnesses to this event and the evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer's actions were retaliatory to the complainant.

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

**FINDINGS OF FACT:** The officers denied the allegation and stated that a supervisor told her to cite the complainant instead of an advisement. The complainant's perception that the action was retaliatory is not supported by any facts and the officers changing of the violation to an infraction is lawful. The complainant admitted during his OCC interview that he did not have the proof of insurance in his vehicle as required by law.

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**SUMMARY OF ALLEGATION #3:** The officer failed to maintain required knowledge regarding the citation process.

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

**FINDINGS OF FACT:**The officer denied the allegation. The officer's partner heard the officer explain the citation process and stated it was done correctly. A sergeant on scene stated he had to make no corrections in the citation process. There were no other witnesses to this event and the evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer issued the complainant a moving citation without cause.

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

**FINDINGS OF FACT:** The officer and her partner denied the allegation and stated they had a clear view of the complainant running the red light. There were no other witnesses to this event and the evidence was insufficient to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer issued the complainant a citation for failing to have proof of insurance.

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

**FINDINGS OF FACT:**The officer denied the allegation. The complainant stated he did not have Proof of Insurance in his vehicle. The officer's actions in issuing the citation for this infraction was lawful and procedural.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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

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

**FINDINGS OF FACT:** The complainant was detained for a mental health 72-hour evaluation. Based on the evidence gathered, there is insufficient evidence to either prove or disprove that the complainant was a danger to others or to himself. There are no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The officer and another officer denied the allegation. There are no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #4:** The officer made a sexually derogatory comment.

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

**FINDINGS OF FACT:** The officer and another officer denied the allegation. There are no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer and another officer denied the allegation. There are no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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**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 requested a withdrawal of the complaint.

**SUMMARY OF ALLEGATION #2:** The officer used unnecessary force against the complainant at the station.

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

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

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**SUMMARY OF ALLEGATION #3:** The officer searched the complaint without cause.

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

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

**SUMMARY OF ALLEGATION #4:** The officer intimidated and threatened the complainant.

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

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

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**SUMMARY OF ALLEGATION #5:** The officer behaved inappropriately.

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

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

**SUMMARY OF OCC ADDED ALLEGATION #6:** The officer failed to properly prepare the 293 form.

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

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

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**SUMMARY OF ALLEGATION # 1:** The officer's comments and demeanor to the complainant were inappropriate and threatening.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness officer corroborated the named officer's version of the events. No other witnesses were identified and the investigation was unable to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer failed to receive a counter report.

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

**FINDINGS OF FACT:** The officer denied the allegation. No other witnesses were identified. The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS # 3 & 4:** The officer's arrested and issued the complainant a citation without cause.

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

**FINDINGS OF FACT:** The officers stated the complainant refused to cooperate in their efforts to take her report and remained hostile and non-cooperative. The complainant prevented other citizens from conducting their business at the station and was warned she would be subject to arrest for trespassing if she failed to comply with the lawful orders of the officers. The complainant failed to do so and was arrested for trespassing. There were no other identifiable witnesses and the investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complainant.

**SUMMARY OF ALLEGATION # 5:** The officers failed to properly handle the complainant's property.

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

**FINDINGS OF FACT:** Based on the information provided by the complainant, the investigation was unable to identify the officers.

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**SUMMARY OF ALLEGATIONS # 6 & 7:** The officer's used unnecessary force in the arrest of the complainant.

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

**FINDINGS OF FACT:** The officers denied the allegation stating the complainant was placed into handcuffs and escorted into the station without incident. The emergency room records related to this case were inconsistent and spoke of a pre-existing condition. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #7:** The officers used unnecessary force while escorting the complainant out of the building.

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

**FINDINGS OF FACT:** Based on the information provided by the complainant, the investigation was unable to identify the officers.

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**SUMMARY OF ALLEGATION #1:** The officer failed to write the complainant's current address on the citation.

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

**FINDINGS OF FACT:** The complainant alleged that he gave the officer his change of address card, and that the officer failed to write the new address on the citation. The officer denied that the complainant gave him the change of address card. A witness officer stated that he did not see the change of address card. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer threatened to tow the complainant's vehicle.

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

**FINDINGS OF FACT:** The officer and another officer denied the allegation. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant was cited for violating California Vehicle Code Section 40504(b), which states, "Any person who signs a written promise to appear with a false or fictitious name is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested." The complainant stated that the signature he used to sign the citation was his signature, written in a different language, but that it was different from the signature on his California Driver's license. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant was cited for several violations. The complainant admitted to these violations. 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 #5:** The officer cited the complainant without cause.

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

**FINDINGS OF FACT:** The complainant was cited for several violations. The complainant denied violating the violations listed on the citation. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** An audiotape that the complainant submitted of his conversation with the officer evidences the officer being calm and professional. The tape is evidence that the officer showed proper conduct in this instance.

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

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

**FINDINGS OF FACT:** The complainant did not provide any evidence that his vehicle was in compliance with the law except for his statement. The officer stated that he had cause to write the citation because the vehicle was not in compliance with the law, and described the non-compliant features. A lieutenant called to the scene of the event stated to the Office of Citizen Complaints that he was present and witnessed the violations that the officer identified, and corroborated the officer's statement of probable cause for the citation.

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**SUMMARY OF ALLEGATION #1:** The officer caused a traffic collision.

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

**FINDINGS OF FACT:** We have no information from or about the alleged victim of this collision, as this complainant did not get information from her, and she has not contacted the Office of Citizen Complaints. The officer denied causing a collision. No other witnesses.

**SUMMARY OF ALLEGATION #2:** The officer failed to take required action, in that he failed to investigate a traffic collision he caused.

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

**FINDINGS OF FACT:** We have no information from or about the alleged victim of this collision, as this complainant did not get information from her, and she has not contacted the Office of Citizen Complaints. The officer denied causing a collision, and stated that there was no collision to investigate. No other witnesses.

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**SUMMARY OF ALLEGATION #1:** The officer made inappropriate comments to the complainant.

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

**FINDINGS OF FACT:**

The investigation was unable to identify the officer and was unable to prove or disprove the allegation in the complaint. The complainant did not come forward to provide additional information to assist the investigation.

**SUMMARY OF ALLEGATION #2:** The officer made sexually derogatory comments to the complainant.

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

**FINDINGS OF FACT:**

The investigation was unable to identify the officer and was unable to prove or disprove the allegation in the complaint. The complainant did not come forward to provide additional information to assist the investigation.

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**SUMMARY OF ALLEGATION #1:** The officer harassed the complainant due to bias.

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

**FINDINGS OF FACT:** The complainant failed to provide necessary information to further the investigation. Commanding Officer, supervisory personnel, and a possible officer were questioned regarding the alleged misconduct and all denied any involvement by sworn personnel from the police district. There is insufficient evidence to name any particular officer about the allegation. 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 failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that the officer was negligent for not taking action over a reported assault. The preponderance of the evidence established that the officer prepared a suspicious occurrence police report after interviewing several witnesses and reviewing a video of the incident. The witnesses and the video corroborates that no assault against the complainant occurred. The officer's actions were lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant failed to provide requested evidence to assist in the investigation. The complainant never replied to OCC attempts to interview him.

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

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

**FINDINGS OF FACT:** The complainant failed to provide requested evidence to assist in the investigation. The complainant never replied to OCC attempts to interview him.

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**SUMMARY OF ALLEGATION #1:** The officer's remarks to the complainant were inappropriate.

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

**FINDINGS OF FACT:** The officer denied the alleged remarks. There were no witnesses to this event. As such, this investigation was unable to prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer used profanity in speaking to the complainant.

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

**FINDINGS OF FACT:** The officer denied the alleged remarks. There were no witnesses to this event. As such, this investigation was unable to prove, or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #3:** The officer failed to provide the complainant his name and star number when requested to do so.

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

**FINDINGS OF FACT:** The officer denied the allegation. There were no witnesses to this event. As such, this investigation was unable to prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer failed to conduct an adequate investigation into the complainant's complaint.

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

**FINDINGS OF FACT:** The officer denied the allegation and stated he went with the complainant to his apartment in order to determine the level of noise coming from the complainant's neighbor's apartment. He found the noise level not to be excessive. The complainant stated in his OCC interview the officer had come to his apartment to investigate the noise level. However, the complainant stated that the officer took no further investigative steps. There were no witnesses to this event. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1-3:** The officers failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant requested the withdrawal of his complaint from Office of Citizen Complaints investigation.

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

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

**FINDINGS OF FACT:** The complainant requested the withdrawal of his complaint from Office of Citizen Complaints investigation.

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

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on April 28, 2005.

**SUMMARY OF ALLEGATION #3-4:** The officers failed to take/prepare a report.

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on April 28, 2005.

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**SUMMARY OF ALLEGATION #5:** The officer exhibited inappropriate behavior.

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on April 28, 2005.

**SUMMARY OF ALLEGATION #6:** The officer failed to attend to duties.

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on 4/28/05.

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**SUMMARY OF ALLEGATION #7:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on April 28, 2005.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The complainant failed to cooperate with the investigation.

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

**FINDINGS OF FACT:** The complainant failed to cooperate with the investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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

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

**FINDINGS OF FACT:** The complainant said he had mechanical problems and acknowledged rolling his motorcycle opposite the direction of travel on a street. The officer stated that he observed the complainant traveling in a motorcycle in the opposite street direction of travel, a violation of section 21657(a) C.V.C. The complainant did not respond to Office of Citizen Complaints attempts to interview him. Based on the prima facie evidence, the officer's actions were lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant disputed in his letter that his driver's license was not suspended since 1991 as the officer notified him, but admitted he had no class M1 valid driver's license at the time of the traffic stop. This admission constitutes a violation of section 12951(a) CVC. Under Section 21657(a) C.V.C. the officer's citation was proper and lawful.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/01/05 **DATE OF COMPLETION:** 04/25/05 **PAGE # 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant admitted that he did not have possession of a valid class M1 license when he was stopped driving a motorcycle, a violation of 12951(a) CVC. The officer's query results were that the complainant's driver's license had been suspended since 1991. Section 14602.6 C.V.C. made the officer's citation arrest, and impound of the motorcycle for 30 days proper and lawful under the circumstances.

**SUMMARY OF ALLEGATION #4:** The San Francisco Police Department failed to provide required information.

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

**FINDINGS OF FACT:** The preponderance of the evidence established that the complainant was driving a motorcycle without a class M1 license in violation of section 14602.6 C.V.C.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/12/04 **DATE OF COMPLETION:** 04/04/05 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers search a residence beyond the scope of their investigation.

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

**FINDINGS OF FACT:** The officer-in-charge of the operation stated that he instructed his team to search the premises. Two members stated that a protective sweep of the premise was conducted. Three members denied the allegation and four members did not recall the event. The OCC found that the residence garage area belonged and was accessible to the occupants of the complainant's residential unit and to his upstairs' neighbors. The officers were involved in a legitimate parole and warrant search regarding the complainant's neighbors and they had sufficient reasons to enter and conduct a protective sweep in the residence garage looking for wanted suspects. The available evidence was, however, insufficient to identify all officers involved in this aspect of the incident.

**SUMMARY OF ALLEGATION #2:** The officer seized the complainant's property without cause.

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

**FINDINGS OF FACT:** The complainant stated that some of his property from the storage room in the garage was missing after the search. All members questioned in connection with this incident denied seizing the said property. The available evidence was insufficient to identify the member(s) responsible for the alleged misconduct and to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/12/04 **DATE OF COMPLETION:** 04/04/05 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to document seized property.

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

**FINDINGS OF FACT:** The complainant stated that some of his property from the storage room in the garage was missing after the search. Neither the complainant, nor his wife saw any officer taking the property and/or carrying anything out of the residence after this police operation but said they were distracted by other events. All members questioned in connection with this incident denied seizing the said property. The available evidence was insufficient to identify the member(s) responsible for the alleged misconduct and to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/03/05 **DATE OF COMPLETION:** 04/27/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer made a racially insensitive remark.

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

**FINDINGS OF FACT:** The complainant withdrew the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/10/05 **DATE OF COMPLETION:** 04/30/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer improperly operated his department motorcycle in violation of California Vehicle Code.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that he had no specific recollection of the events outlined by the complainant. There were no other identifiable witnesses. The investigation was unable to either prove, or disprove the allegation made on the complainant.

**SUMMARY OF ALLEGATION #2:** The officer failed to take a required action [failed to stop the second vehicle].

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that he had no specific recollection of the events outlined by the complainant. There were no other identifiable witnesses. The investigation was unable to either prove, or disprove the allegation made on the complainant.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/11/05 **DATE OF COMPLETION:** 04/04/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complaint raises matters not within OCC's jurisdiction and is referred to the San Francisco Superior Court – Presiding Judge.

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/14/05 **DATE OF COMPLETION:** 04/06/05 **PAGE #1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer(s) used excessive force.

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

**FINDINGS OF FACT:** The complainant requested the withdrawal of his Complaint from Office of Citizen Complaints investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/14/05 **DATE OF COMPLETION:** 04/06/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters outside the OCC's jurisdiction.

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/14/05 **DATE OF COMPLETION:** 04/04/05 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complaint raises matters not within OCC's jurisdiction and is referred to:

Chief of Police Susan Mannheimer  
San Mateo Police Department  
200 South Delaware  
San Mateo, CA 94403

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/17/05 **DATE OF COMPLETION:** 04/18/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer's attitude and demeanor with the complainant was rude.

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

**FINDINGS OF FACT:** The officer denied the allegation. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer failed to take an OCC complaint from the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. The investigation found that the officer did attempt to accommodate the complainant in the filing of a complaint but the complainant failed to cooperate with the process.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/23/05 **DATE OF COMPLETION:** 04/18/05 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1:** The officer's comment to the complainant was inappropriate.

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

**FINDINGS OF FACT:** The officer denied the allegation. The investigation was unable to prove, or disprove the allegation in the complaint.

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

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

**FINDINGS OF FACT:** The officers denied the allegation. The investigation was unable to prove, or disprove the allegation in the complaint.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/23/05 **DATE OF COMPLETION:** 04/18/05 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer had the smell of an alcoholic beverage on his breath.

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

**FINDINGS OF FACT:** The officers denied the allegation. The investigation was unable to prove, or disprove the allegation in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/18/05 **DATE OF COMPLETION:** 04/18/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to assist the complainant in filing a counter report.

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

**FINDINGS OF FACT:** The officer denied the allegation. The investigation was unable to either prove, or disprove the allegation in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer's behavior towards the complainant was inappropriate.

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

**FINDINGS OF FACT:** The officer denied the allegation. The investigation was unable to either prove, or disprove the allegation in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/28/05 **DATE OF COMPLETION:** 04/18/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/28/05 **DATE OF COMPLETION:** 04/06/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the SFSD internal affairs unit.

SFSD- Internal Affairs  
25 Van Ness Avenue #350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/04    **DATE OF COMPLETION:** 04/26/05    **PAGE# 1 of 4**

**SUMMARY OF ALLEGATION #1:** The officer made threatening and inappropriate remarks to the complainant.

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

**FINDINGS OF FACT:** The complainant stated that an officer threatened to bend and fracture his fingers in apparent retaliation for the complainant's allegedly knocking over a SFPD motorbike. The complainant noted that he was lying facedown in a supine position and was unable to identify the officer who made the remarks. The officers interviewed denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he was arrested for violating California State Vehicle Code and Municipal Police Code sections as well as resisting arrest – all of which the complainant said never occurred. The officer denied the allegation, stating that the complainant interfered with a police action, entered the street in violation of MPC Section 22, and resisted his arrest. The OCC investigation discovered sufficient evidence to support that the complainant did not violate pedestrian traffic laws or interfere with the officers' arresting a suspect, that the officer cited and arrested the complainant without cause, and that the complainant's resistance to arrest, if any, would have occurred after an improper arrest occurred.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/04    **DATE OF COMPLETION:** 04/26/05    **PAGE# 2 of 4**

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

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

**FINDINGS OF FACT:** The complainant stated that he was arrested for violating California State Vehicle Code and Municipal Police Code sections as well as resisting arrest – all of which the complainant said never occurred. The officer denied the allegation, stating that he arrested the complainant for having pushed over a motorbike. There was insufficient evidence to prove or disprove the allegation as to the named member.

**SUMMARY OF ALLEGATION #4-6:** The officers handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that he had not committed an illegal act and should not have been handcuffed. The first officer to contact the complainant stated that the complainant had vandalized SFPD property (i.e., pushed over a police motorbike) and handcuffed, subject to his being arrested for his illegal act. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/04    **DATE OF COMPLETION:** 04/26/05    **PAGE# 3 of 4**

**SUMMARY OF ALLEGATION #7:** The officer intentionally damaged the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that the officer intentionally flung the complainant's video camera to the ground in apparent retribution for believing the complainant had pushed over the SFPD motorbike to the ground. The interviewed officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #8-9:** The officers failed to provide requested medical assistance.

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

**FINDINGS OF FACT:** The complainant stated that the officers did nothing to facilitate his receiving medical attention and that a paramedic only questioned him just prior to his being transported by wagon to the county jail. The interviewed officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/04    **DATE OF COMPLETION:** 04/26/05    **PAGE# 4 of 4**

**SUMMARY OF ALLEGATION #10-12:** The complainant was subjected to unnecessary force during his arrest.

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

**FINDINGS OF FACT:** The complainant stated that the officers bent his thumb back until it fractured in apparent retaliation for their belief that he vandalized SFPD property. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** This complaint raises matters outside the OCC's jurisdiction and is being referred to the San Francisco Police Department. Management Control Division. .

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/28/04 **DATE OF COMPLETION:** 04/26/05 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer displayed an inappropriate and threatening demeanor.

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

**FINDINGS OF FACT:** The named officer and one witness officer denied the allegation. Another witness officer did not recall the incident. The OCC was unable to locate two witnesses identified by the complainant. There were no other witnesses identified. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer used profane language.

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

**FINDINGS OF FACT:** The named officer and one witness officer denied the allegation. Another witness officer stated he did not recall the incident. The OCC was unable to locate two potential witnesses identified by the complainant. There were no other witnesses identified. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/28/04 **DATE OF COMPLETION:** 04/26/05 **PAGE# 2 of 3**

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

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

**FINDINGS OF FACT:** The circumstances of the complainant's detention are in dispute. The named officer and one witness officer denied the allegation. Another witness officer did not recall the incident. The OCC was unable to locate two witnesses identified by the complainant. There were no other witnesses identified. The rationale for handcuffing the complainant could not be established. Therefore, investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** Although the circumstances of the initial detention are in dispute, once detained, the officers discovered that the complainant had an active warrant for his arrest, and they arrested him. The arrest was proper.

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

**DATE OF COMPLAINT:** 04/28/04 **DATE OF COMPLETION:** 04/26/05 **PAGE#** 3 **of** 3

**SUMMARY OF ALLEGATIONS #5, #6:** The officers' detention of the complainant was racially motivated.

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

**FINDINGS OF FACT:** The named officers denied the allegation. A witness officer who transported the complainant did not recall the incident. The OCC was unable to locate a witness to the detention identified by the complainant. There were no other witnesses identified. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #7:** The officer used unnecessary force during the arrest of the complainant and at the station.

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

**FINDINGS OF FACT:** The named officer and one witness officer denied the allegation, stating they used only control holds and techniques to overcome the complainant's resistance. The named officer said he used a wristlock to facilitate transport. Another witness officer did not recall the incident. The OCC was unable to locate two potential witnesses identified by the complainant. There were no other witnesses to the detention and arrest. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #2:** This allegation raises matters not rationally within O.C.C.'s jurisdiction.

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

**FINDINGS OF FACT:** This allegation raises matters not rationally within O.C.C.'s jurisdiction.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:**

This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the City of San Mateo Police Department.

SMPD - Internal Affairs  
2000 South Delaware  
San Mateo, CA 94402

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/30/04 **DATE OF COMPLETION:** 04/06/05 **PAGE#** 1 **of** 1

**SUMMARY OF ALLEGATION #1-2:** The officers issued a citation without cause.

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

**FINDINGS OF FACT:** Officers stated they do not recall the complainant. One officer stated she did not recall incident, the other officer stated he cites only for violations. No witnesses. There is no way to verify the condition of the vehicle when it was cited, as there are no witnesses, nor any photographs taken prior to the citation. 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:**04/05/05 **DATE OF COMPLETION:**04/30/05 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer issued the complainant's daughter a citation without cause.

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

**FINDINGS OF FACT:** The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #2:** The officer towed the vehicle without justification.

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

**FINDINGS OF FACT:** The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:**04/05/05 **DATE OF COMPLETION:** 04/30/05 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer's remarks to the complainant's daughter were inappropriate.

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

**FINDINGS OF FACT:**The officer denied the allegation. There were no witnesses. The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the Veteran's Administration, Fort Miley:

4150 Clement Street 07B  
San Francisco, CA 94121

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/04    **DATE OF COMPLETION:** 04/27/05    **PAGE #1** of 10

**SUMMARY OF ALLEGATIONS # 1:** The officer shot and caused the death of an individual without justification.

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

**FINDINGS OF FACT:** The complainant stated that people reported the decedent was attempting to surrender when he was shot and killed. The named officer and other officers at the scene stated that they heard a radio report a man in a vehicle had threatened a woman with a gun, and then fled. Officers spotted and attempted to stop a vehicle matching the description, but the vehicle fled and the officers pursued it. During the pursuit, the driver of the vehicle fired at least two rounds from a handgun at the officers. When the pursuit came to a stop, a shot was fired and, believing that the driver of the vehicle had again fired at them, three of the pursuing officers fired several shots at the vehicle. According to the officers at the scene, the driver got out of the vehicle as officers shouted commands at him. He raised his hands, then dropped them, moved away from the vehicle, and then moved back toward the vehicle. He sat on the floorboard in the open driver's doorway and began to turn back and forth and did not comply with the officers' command to show his hands and get away from the vehicle. The named officer stated that he saw the driver make a sudden move as if reaching for something under the seat and fearing that the driver had reached for a gun, the officer fired at him. Witness statements contradict one another as to whether the decedent was standing or sitting, and as to whether or not he had his hands up when the officer fired. Forensic evidence indicated that, when the shots that struck the decedent were fired, the decedent was in a sitting position with his back turned to the named officer, and that at least one of his hands was down. The available evidence is inconclusive and insufficient to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/04 **DATE OF COMPLETION:** 04/27/05 **PAGE #2 of 10**

**SUMMARY OF ALLEGATIONS #2-6:** The officers endangered the lives of the residents in the neighborhood during the shooting.

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

**FINDINGS OF FACT:** The complainant stated that officers did not make any effort to tell people to get out of the way or to go into their homes until after the shooting. The complainant said there were children outside playing who were placed in harm's way, and that parents had to pull their children away to make sure they were not hit by a bullet. The officers stated that there were no civilians in their line of fire. The complainant did not have specific names of families or children who were allegedly in the line of fire. There is insufficient evidence to prove or disprove this allegation.

**SUMMARY OF ALLEGATIONS #7-9:** The officers failed to properly handle physical evidence.

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

**FINDINGS OF FACT:** The complainant stated that the decedent's body was moved from its original location, that officer's tampered with the car, sweeping or removing glass, and that a gun was placed near the decedent's body. The officers stated that for officer-safety reasons they moved the individual's body. The officers denied tampering with evidence at the scene. The complainant did not provide witnesses as to the placing of a gun next to the decedent's body. The available witnesses did not see anyone place a gun near the body. There is insufficient evidence to prove or disprove the allegation.



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**SUMMARY OF ALLEGATIONS #10 &11:** The officers failed to render medical aid in a timely manner.

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

**FINDINGS OF FACT:** The complainant stated that witnesses said that the decedent's body lay unattended for a long time and that officers did not call for medical attention. The officers denied the allegation. The witness statements were inconsistent, but some witnesses saw officers rendering medical assistance prior to the arrival of paramedics. The CAD indicates that, soon after the fired shots, an ambulance was called at 20:11:25. The fire Call for Service record indicates that paramedics arrived at 20:14:22. The available evidence established that the officers rendered medical aid in a timely and appropriate manner.

**SUMMARY OF ALLEGATIONS #12:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the officers were "high-fiving" each other and congratulating each other on the shooting. All officers denied the allegation. Two witnesses out of nine saw this occur but were not able to identify the officers. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 05/06/04    **DATE OF COMPLETION:** 04/27/05    **PAGE #4** of 10

**SUMMARY OF ALLEGATIONS #13-14:** The officers gave civilians invalid orders.

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

**FINDINGS OF FACT:** The complainant stated that residents were told to go inside their houses and some told to get on the ground after the shooting. The named officer denied the allegation. Other officers stated that they might have told people to step back away from the crime scene. The complainant did not identify the witnesses who were allegedly given the invalid orders. One witness stated that, after the shooting she was looking out her window and the named officer told her to move away from her window. Another witness saw the named officer pointing a gun at the other witness's window, but did not hear what he said. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #15:** The officer brandished a firearm without justification.

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

**FINDINGS OF FACT:** The complainant stated that officers pointed guns at the residents. The officer denied the allegation. One witness stated that after the shooting was over, she looked out of her top-floor bedroom window. She saw the officer pointing his shotgun at her and told her to get away from the window. She said he did this to other windows and repeated the same order. Another witness described the same actions by this officer. The investigation showed that there is no evidence that the officer or another person was in imminent danger of death or great bodily injury from the civilians occupying the upper floors and looking out the windows along the alley. The investigation showed that he was the only officer matching the witnesses' description with a shotgun at the scene. The officer violated DGO 5.02 by brandishing his weapon without justification.

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**DATE OF COMPLAINT:** 05/06/04 **DATE OF COMPLETION:** 04/27/05 **PAGE #5 of 10**

**SUMMARY OF ALLEGATION #16:** The SFPD failed to conduct a proper investigation.

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

**FINDINGS OF FACT:** The complainant stated that the Homicide Bureau investigators failed to investigate properly. The homicide inspector in charge stated that there are no written Department protocols for officer-involved shooting (OIS) investigations. The OCC investigation showed that the lack of protocols of Homicide OIS investigations causes the appearance of bias. For example, the officers involved in the shooting were not all photographed in their uniform/clothing on the night of the incident and the unmarked vehicle used in the pursuit was not photographed which is a practice employed by other agencies. The Inspector stated that he knew one of the officers involved in the shooting because he had supervised him in the past. The Inspector said he is not aware of any protocol at Homicide for assigning another inspector to the investigation if the investigating Inspector knows an involved officer. In this investigation, the Inspector interviewed the officer he knew and did not remove himself from interviewing the officer. For these reasons it is imperative that the department have protocols to investigate OIS so that the investigations are properly done.

**SUMMARY OF ALLEGATION #17:** The SFPD allowed officers to prematurely return to patrol duties.

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

**FINDINGS OF FACT:** The complainant stated that residents saw the officers involved in the shooting return to the scene soon after the incident and believe they should not be there until the investigation is completed. This is an issue that undermines the public's confidence especially when witnesses are being sought and makes them unwilling to come forward for fear of retaliation. The OCC has made a policy recommendation, and the Police Commission addressed this issue in a forthcoming Department General Order.

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**DATE OF COMPLAINT:** 05/06/04 **DATE OF COMPLETION:** 04/27/05 **PAGE #6 of 10**

**SUMMARY OF ALLEGATION #18:** The SFPD made inappropriate and prejudicial comments

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

**FINDINGS OF FACT:** The complainant stated that the SFPD made prejudicial comments about the investigation prior to the completion of the investigation, which also causes the public to believe the investigation, is biased. The complainant stated that SFPD stated that this shooting was a justifiable shooting even after the Police Commission had reprimanded the SFPD previously for making such statements. The OCC issued a Policy Recommendation, which was brought before the Police Commission on October 13, 2004, proposing revisions to DGO 8.09, "Media Relations," but which has not been acted upon. The Policy Recommendation addresses the issues brought forth in this allegation.

**SUMMARY OF ALLEGATION #19:** SFPD demonstrates a pattern and practice of racially biased policing, of condoning overly aggressive policing, of failing to train on de-escalation of force, of failing to properly deal with individuals with disabilities, and is structurally unaccountable for these practices.

**CATEGORY OF CONDUCT:** Policy & Practice **FINDING:** PF **DEPT. ACTION:**

**FINDINGS OF FACT:** This allegation raises multiple issues that are of ongoing concern to the complainant, an advocacy organization. Such broad policy issues are properly the subject of continuing communication between the Department, the Police Commission, advocacy organizations, and the community at large.

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**SUMMARY OF ALLEGATION #20:** The SFPD did not allow the media access to the crime scene.

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

**FINDINGS OF FACT:** The co-complainant stated that the SFPD did not allow the media to observe the patrol vehicles, which were allegedly struck by bullets shot by the deceased. Per DGO 8.09 the media is not allowed in crime scenes.

**SUMMARY OF ALLEGATION #21:** The SFPD failed to properly handle physical evidence.

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

**FINDINGS OF FACT:** The co-complainant stated that he is concerned that SFPD might tamper with or manufacture evidence in this incident. The investigation showed that there is insufficient evidence to prove or disprove the allegation.

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**OCC-ADDED ALLEGATIONS**

**DATE OF COMPLAINT:** 05/06/04 **DATE OF COMPLETION:** 04/27/05 **PAGE #8 of 10**

**SUMMARY OF OCC-ADDED ALLEGATION #1:** The SFPD failed to follow vehicle pursuit policy or properly supervise a vehicle pursuit.

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

**FINDINGS OF FACT:** The superior officers who first responded to the scene did not preserve the crime scene. An unmarked police vehicle used in the pursuit was prematurely moved from its location at the crime scene. A field supervisor stated he gathered the officers involved in the shooting and asked them to wait for the arrival of a lieutenant. The lieutenant stated she delegated sergeants and officers to separate involved officers and drive them separately to the district station. Department policies provide for supervisory duties to preserve crime scenes, but the initial in this incident felt he was relieved of his responsibilities once a superior officer came on scene. The next superior officer at the scene stated she delegated that the officers be driven separately. The lack of supervision at the crime scene resulted in the unmarked vehicle not being preserved and/or documented as part of the crime scene. One officer involved in the shooting believed he might have driven the unmarked vehicle back to the station. A supervisor at the scene should have prevented this action, but the supervisors at the scene came from two different districts, causing confusion. This matter should be reviewed by Department managers for possible policy clarification and/or revision.

**SUMMARY OF OCC-ADDED ALLEGATION #2:** The officer shot at a person in a vehicle during a pursuit without justification.

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

**FINDINGS OF FACT:** The officer discharged his weapon at a moving vehicle. The officer stated he saw the suspect vehicle approaching his position with officers in pursuit. The officer believed the pursuit had to be stopped because the suspect had threatened civilians, shot at officers, engaged in a high-speed pursuit, was traveling the wrong way on a one-way street, and was endangering the lives of officers and others. The officer stated he made sure there were no pedestrians or other vehicles in his line of fire before he took the option of firing at the oncoming suspect vehicle. The officer was in violation of DGO 5.05 IV. L. which flatly prohibits firing at a moving vehicle unless justified under DGO 5.02. C.1 Reasonable methods of apprehension and 2. Permissible circumstances of which neither requirements were satisfied.

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**SUMMARY OF OCC-ADDED ALLEGATION #3-4:** The officers failed to follow vehicle pursuit policy and to maintain radio communication.

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

**FINDINGS OF FACT:** The officers joined the pursuit without communicating with dispatch and supervisor approval. The officer, driver, said he entered as the third car into the pursuit code 3 with an unmarked vehicle. He stated he did not communicate with dispatch because his partner was the radio man. The officer stated that he did not obtain supervisory permission because the exigency of the situation justified an exception to DGO 5.05's requirement of supervisory permission to join a pursuit as a third unmarked vehicle. He stated that there was no opportunity to get on the air to ask for permission and would have tied up the radio used by the primary pursuing officer to broadcast important information. The partner, passenger, stated that he was "unable" to communicate with dispatch as they joined the pursuit. The partner, further stated that they did not request nor obtain a supervisor's permission to join the pursuit. The officers violated DGO 5.05 by failing to communicate with dispatch and obtaining supervisor approval to join the pursuit with an unmarked vehicle.

**SUMMARY OF OCC-ADDED ALLEGATION #5-6:** The officers failed to follow vehicle pursuit policy.

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

**FINDINGS OF FACT:** The officers responded to the pursuit Code 3 and joined the pursuit without supervisory approval. The officer, passenger, stated he and another officer, driver, drove to the area of the pursuit with red lights and siren activated, and drove on streets parallel to the pursuit. He stated that he and the driver tried to contact dispatch to report their participation in the pursuit, but were unable to get on the air. He stated they did not have supervisory approval to join the pursuit, but they continued Code 3 until the termination of the pursuit. The investigation showed that it is more likely than not that the officers did respond to Code 3 and joined the pursuit without approval and without properly communicating, violating DGO 5.05.

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**SUMMARY OF OCC-ADDED ALLEGATION #7:** The officer shot at a person in a vehicle without justification.

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

**FINDINGS OF FACT:** The officer shot at the suspect in his vehicle. The officer stated that the suspect started to roll the vehicle forward and the officer decided to fire one shot at the suspect. The officer stated he felt if the suspect was able to drive off of the block and escape that he would be likely to shoot at police again or he might possibly have another altercation with civilians. Three other officers stated that the suspect vehicle was stopped and they were in a position of cover when they heard the first shot in the alley, which they perceived to be from inside the suspect vehicle. The officer's decision to shoot at a moving vehicle increased the likelihood of injury to innocent bystanders and other officers. It is improbable that an officer could stop a vehicle in such a manner without causing death or serious bodily injury. The officer's choice to shoot was not justified by the circumstances and violated DGO 5.05 IV L.

**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 of OCC's jurisdiction.

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

**FINDINGS OF FACT:** This complaint raises matters outside of OCC's jurisdiction. The complainant will be forwarded to the SFSD internal affairs unit.

SFSD- Internal Affairs  
25 Van Ness Avenue #350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 04/13/05 **DATE OF COMPLETION:** 04/18/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the SFSD internal affairs unit.

SFSD- Internal Affairs  
25 Van Ness Avenue #350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 04/14/05 **DATE OF COMPLETION:** 04/18/05 **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The complainant stated that the officer acted in an inappropriate manner..

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

**FINDINGS OF FACT:** The complainant failed to provide additional information to assist in the completion of the investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

REVISED: 04/20/00

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

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

**FINDINGS OF FACT:** Three complainants, who were passengers in a vehicle stopped by the officers, stated that their detention was unjustified. The named members stated that an unknown motorist flagged them down and told about a vehicle with several intoxicated individuals. By the provided description, the officers located a similar car and attempted to pull this car over but it stopped only after running a red light. The driver of the car ran from the scene and was taken into police custody later by another unit. The officers detained the occupants of the vehicle for further investigation. In their OCC statements, three complainants acknowledged drinking prior to the incident. One of the complainants acknowledged that their vehicle went through the intersection on a red light. The driver and the fourth passenger in the car did not respond to the Office of Citizen Complaints request for an interview. Given the circumstances of this incident, the officers' decision to detain the occupants of the vehicle for investigation was reasonable and justified.

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

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

**FINDINGS OF FACT:** Three complainants, who were the passengers in the vehicle stopped by the named members, stated that the officers hit one of them on the face and kicked two of them on the back. The named members denied using any force during the incident. The complainants' statements were inconsistent as to the type of force and the specific circumstances of when that force was used. The driver of the vehicle and the fourth passenger did not respond to the Office of Citizen Complaints request for an interview. There were no other identifiable witnesses to this incident. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers made inappropriate and retaliatory comments.

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

**FINDINGS OF FACT:** The complainant stated that the arresting officer made threatened him at the station. Two co-complainants also alleged that an officer made an inappropriate comment to them at the station. All officers questioned in connection with this incident denied making the alleged comments. Two co-complainants were not present during the complainant's interaction with the arresting officer. Their statements were inconclusive as to the identity of the officer who made a comment to them. Two witnesses did not respond to the Office of Citizen Complaints request for an interview. The available evidence was insufficient to identify the second officer implicated in this misconduct and to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #7-8:** The officers used profanity.

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

**FINDINGS OF FACT:** The three complainants alleged that the officer swore at them at the scene. The named members denied the allegation. The complainants' statements were inconclusive as to the words and expressions as well as the specific circumstances of the alleged profanity. One witness to this part of the incident did not respond to the Office of Citizen Complaints request for an interview. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #9-10:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** One co-complainant stated that the detaining officers left his baseball cap and a pack of cigarettes at the scene of the traffic stop and did not give those property items to him at the time of his release from the station. The second co-complainant could not recall which officer dealt with the complainant about his property. The complainant was not present during this aspect of the incident. The named members denied that any property was left at the scene of the traffic stop and denied that any of the complainants talked to them at the station about his missing property. Two witnesses to this part of the incident did not respond to the Office of Citizen Complaints request for an interview. The available evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF OCC ADDED ALLEGATIONS #11-12:** The officers failed to report use of force.

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

**FINDINGS OF FACT:** The named members denied that any force was used during the traffic stop. The complainants' statements were inconsistent as to the type of force and the specific circumstances of when that force was used. The driver of the vehicle and the forth passenger did not respond to the Office of Citizen Complaints request for an interview. There were no other identifiable witnesses to this incident. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF OCC ADED ALLEGATIONS #13-14:** The officers failed to record Traffic Stop Data for the Traffic Stop Data Survey.

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

**FINDINGS OF FACT:** The documents obtained by the Office of Citizen Complaints in the course of its investigation showed that the officers, in fact, documented the traffic stop in the required format.

**SUMMARY OF OCC ADDED ALLEGATIONS #15-16:** The officers failed to follow the Department Policy concerning juveniles.

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

**FINDINGS OF FACT:** The complainant, who is a juvenile, stated that the detaining officers transported him to the station in the vehicle with an adult. The named members stated the complainant was transported to the station in a separate vehicle but they could not recall which officer and/or unit drove the complainant to the station. Two co-complainants did not have any specific recollection concerning this aspect of the incident. Two possible witnesses did not respond to the Office of Citizen Complaints request for an interview. The Department records in regards to this incident did not identify the unit or officer who transported the complainant to the police station. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF OCC ADDED ALLEGATION #17:** The officer wrote an inaccurate police report.

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

**FINDINGS OF FACT:** Three complainants alleged that the officers used excessive force during the detention but the related police report did not contain any mention of force. The officer who wrote the report denied that any force was used during the incident. His partner corroborated this statement. One witness did not respond to the Office of Citizen Complaints request for an interview. There were no other identifiable witnesses to this aspect of the occurrence. The available evidence was insufficient 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 failed to take required action.

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

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

**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 of OCC's jurisdiction.

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

**FINDINGS OF FACT:** This complaint raises matters outside of OCC's jurisdiction. The complainant will be forwarded to San Francisco General Hospital.

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. The complainant will be forwarded to the SFSD Internal Affairs Unit.

Lt. Al Kennedy  
SFSD-Internal Affairs  
25 Van Ness #350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-2:** The officers engaged in selective enforcement of the law.

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

**FINDINGS OF FACT:** The complainant stated that the officers, who were Caucasian stopped and detained him and two other co-complainants, all young African-American males, due to racial bias. Two co-complainants stated that they did not have a definitive opinion regarding this issue. The named members denied that race was a factor in this incident. The available evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3:** The officer used profanity and made threatening comments to the complainants.

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

**FINDINGS OF FACT:** The complainant stated that the officer used profanity when ordering the complainant to pull over and then made a threatening comment to the occupants of the complainant's car. Two co-complainants in this case, who were passengers in the complainant's vehicle at the time of the incident, in essence, corroborated this statement. The named member denied the allegation. Three other officers, who were present during the traffic stop, stated that they did not hear his conversation with the occupants of the vehicle but denied that any profanity was used at the scene. By a preponderance of the evidence, the allegation was sustained.

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**SUMMARY OF ALLEGATION #4:** The officer made a threatening and inappropriate remark to the complainant.

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

**FINDINGS OF FACT:** The complainant stated that that one of the officers involved in the traffic stop told him during the incident: "I suggest you guys don't come back to Broadway [Street]," which he understood as a threat. The complainant could not identify the officer who made this threatening remark. Two co-complainants in this case stated that they did not hear the threat. All officers involved in the incident denied making the alleged comment. The available evidence was insufficient to identify the officer who made the threatening remark and to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer searched the complainants' vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officer, who effected the traffic stop, went inside the vehicle, "rummaged" through the occupants' personal belongings and removed an unopened bottle of alcohol from the car. Two co-complainants corroborated this statement but implicated another officer in the search. All members involved in this incident denied searching the complainants' vehicle under the circumstances described by the complainants. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to identify the officer who searched the vehicle and to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6:** The officer intentionally and unjustifiably destroyed property seized from the vehicle.

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

**FINDINGS OF FACT:** The complainant stated that the officer, who removed a sealed bottle of alcohol from the vehicle, uncorked it and poured the liquid on the ground. Two co-complainants corroborated this statement but they differed from the complainant as to the identity of the officer responsible for this misconduct. All members involved in the traffic stop denied the allegation. The available evidence was insufficient to identify the officer who destroyed the property and to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #7-9:** The officers issued citations without cause.

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

**FINDINGS OF FACT:** Three complainants stated that they were cited for an excessively loud radio in their vehicle, for not wearing seatbelts and for an open container. The complainants stated the radio was not loud, they were, in fact, wearing seatbelts before the traffic stop and the bottle of alcohol in the car was capped and sealed. The officers involved in the traffic stop maintained that they observed the said violations. The fourth officer, who was present at the scene of the incident, could not recall any specific details of the traffic stop. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #10-12:** The officers requested identification without justification.

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

**FINDINGS OF FACT:** The complainants stated that the officers requested all occupants in their car to produce identification without any apparent reason. The named members stated that they requested the occupants' driver' licenses in order to prepare the citations. The available evidence was insufficient to determine whether, the officers had probable cause to cite the complainants and whether the officers' request for identification was justified.

**SUMMARY OF ALLEGATION #13:** The officer failed to provide his name and star number.

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to give him the name and his star number when the complainant requested this information. The named member stated that he, in fact, told the complainant his name and star number. Two co-complainants and two other officers stated that they did not hear the conversation between the complainant and the named member. The available evidence was insufficient to prove or disprove the allegation.

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**OCC ADDED ALLEGATIONS:**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to follow the Department Policy concerning Traffic Stop Data Collection.

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

**FINDINGS OF FACT:** In the course of investigation of this complaint, the OCC found that the officers failed to document the traffic stop involving the complainants' vehicle as well as four more traffic stops conducted by the same officer that night as required by the Department. The named members told the OCC that they, in fact, entered the information regarding the traffic stops in the station computer at the end of the watch. The San Francisco Police Department analyst in charge of the Department Traffic Stop database informed the OCC after his database audit that there was no record of the five traffic stops. The allegation was sustained.

**SUMMARY OF ALLEGATIONS #3:** The Department failed to establish guidelines for supervisors to ensure members' compliance with the San Francisco Police Department Policy concerning Traffic Stop Data Collection.

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

**FINDINGS OF FACT:** The OCC learned that two patrol officers failed to properly document five traffic stops as required by Department Policy on Traffic Stop Data Collection. The same policy requires "field supervisors" to ensure patrol officers "strict compliance" with this policy but does not outline any specific mechanism to ensure compliance with Department order. The officers' supervisors stated that it would be physically impossible to ensure the officers' compliance with the policy if the supervisor is not present at every traffic stop conducted by the subordinate officers.



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

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

**FINDINGS OF FACT:** The complainant stated that he parked his vehicle after 6:00 P.M. in an area with two signs restricting the parking prior to 6:00 P.M. The preponderance of the evidence established that the signs in the block in question prohibit the stopping of any vehicle at any time. The evidence established that the signs indicate that trucks are the only vehicles that can park in the designated area between 5:00 A.M. and 6:00 P.M. during weekdays and that parked or stopped vehicles are prohibited at all times. The officer's action was lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer drove improperly.

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

**FINDINGS OF FACT:** The co-complainant stated that the officer backed up his vehicle into the complainant's stationary truck although the co-complainant blew his horn and yelled at the officer to stop. The named member stated that he rolled backward in the police vehicle and collided with the co-complainant's truck when the truck suddenly moved into the officer's path. The officer also stated that there were no cars behind him when he began backing up his police vehicle. The statements from two eyewitnesses and the physical evidence in the form of photographs of the damages to the co-complainant's vehicle contradicted the officer's statement. By a preponderance of the evidence, the allegation is sustained.

**SUMMARY OF ALLEGATION #2:** The officer used uncivil and profane language at the scene.

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

**FINDINGS OF FACT:** The complainant stated that the officer was yelling and using profanity the "whole time" during the incident. Two other witnesses told the OCC that the officer was swearing continuously at the scene. The named member acknowledged using profanity and speaking in a loud voice during the incident. The allegation is sustained.

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**SUMMARY OF ALLEGATION #3:** The officer behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated that the officer yelled at the civilian driver involved in the traffic collision with the officer's vehicle and made an inappropriate comment to the complainant. The co-complainant, who was the driver of the vehicle involved in that collision, also stated that the named member acted inappropriately on the scene. Four witnesses told the OCC that the officer lost self-control and exhibited excessive excitement and anger towards the co-complainant. One witness told the OCC that the officer and the co-complainant were indeed arguing but the officer acted professionally and stayed "within limits." The named member denied acting inappropriately towards any person at the scene of this accident. A preponderance of the evidence established that the officer's conduct violated the Department Policy on Public Courtesy. The allegation is sustained.

**SUMMARY OF ALLEGATION #4:** The officer used unnecessary force at the scene.

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

**FINDINGS OF FACT:** The co-complainant stated that the officer demanded the key to his vehicle and pushed him on the chest after the co-complainant gave the key to the officer. The named member denied using any force during this incident. Three witnesses stated to the OCC that they saw a significant amount of "hand waving" on the part of the officer but they did not recall if the officer, in fact, touched the co-complainant. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer failed to properly investigate the traffic accident.

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

**FINDINGS OF FACT:** The co-complainant stated that the officer, who investigated the traffic accident involving the co-complainant's truck and a police vehicle, did not interview pertinent witnesses to the accident and unjustifiably faulted the co-complainant for causing the collision. Three witnesses corroborated this aspect of the incident. The named member denied the allegation but provided an inconsistent statement regarding his investigation of the said traffic collision. By a preponderance of the evidence the allegation is sustained.

**SUMMARY OF ALLEGATION #6:** The officer failed to properly investigate the traffic accident.

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

**FINDINGS OF FACT:** The co-complainant stated that the responding officers did not properly investigate the traffic accident and erroneously faulted him for causing the collision with a police vehicle. The named member, who was the senior officer at the scene of this traffic collision, did not recall speaking with any witnesses or taking steps to locate and interview all potential witnesses to the accident. The statements from several officers and civilians present at the scene at the time were inconclusive as to the actions taken by the named member at the scene. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #7:** The officer failed to properly investigate the traffic accident.

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

**FINDINGS OF FACT:** The named member is no longer available or subject to Department discipline.

**SUMMARY OF ALLEGATION #8:** The officer wrote an inaccurate report.

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

**FINDINGS OF FACT:** The co-complainant stated that the officer inaccurately represented his statement regarding the collision with a police vehicle in the related report. Two witnesses provided the OCC with their accounts of the accident that were significantly different from the statements attributed to those witnesses in the officer's report. The named member did not recall what the complainant and the witnesses told him at the time. By a preponderance of the evidence, the allegation is sustained.

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

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

**FINDINGS OF FACT:** The OCC found that a supplemental narrative to the report in connection with the vehicle accident involving the co-complainant and a police officer was not properly and timely filed with the Department Record Management Unit. The OCC was unable to identify and interview the officer responsible for this misconduct.

**SUMMARY OF ALLEGATIONS #2-3:** The officers failed to follow the Department Policy on Member-Involved Vehicle Collision.

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

**FINDINGS OF FACT:** The OCC found that the supervising officer assigned to conduct an administrative investigation of a member-involved traffic collision did not interview any witnesses to the accident, did not ensure the photographing of the involved vehicles and did not complete his report in a timely fashion. The OCC also found that the commanding officer did not review the supervisory report and he did not make a determination regarding responsibility of the member involved in the vehicle collision. Since all of those actions were required of those ranking officers by the Department Policy on the Member-Involved Vehicle Collision, the allegation is sustained.

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

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

**FINDINGS OF FACT:** The complainant did not contact the O.C.C. for an interview. The officer denied the allegation. There were no witnesses identified.

**SUMMARY OF ALLEGATION #2:** The officer did not properly document the property taken.

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

**FINDINGS OF FACT:** The complainant did not contact the O.C.C. for an interview. The officer denied the allegation. There were no witnesses identified.

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**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 that the officer failed to search for a hit and run suspect, who may have been intoxicated. The officer stated that the officer broadcasted the information provided by the complainant and then searched for the suspect in the area without being able to locate him, and the complainant agreed to go to the station to make a report. Meanwhile, the complainant located the suspect and then went to the station to make the report. The evidence is inconclusive as to whether the officer knew or should have known that the suspect had been located to take further enforcement action. There were no witnesses and there is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that he detained the complainant because he was drunk. Three witness officers and three other witnesses stated that two men were arguing on a public sidewalk, which drew the attention of the named officer. One witness did not respond to numerous calls for an interview. Another witness did not see what led to the detention. There is insufficient evidence to either prove or disprove the allegations.

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

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

**FINDINGS OF FACT:** The complainant said he did not see who handcuffed him. The four officers on the scene did not recall who handcuffed the complainant. One witness stated that he did not see the handcuffing. There were no other witnesses to the handcuffing who came forward. There is insufficient evidence to either prove or disprove the allegations.

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

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

**FINDINGS OF FACT:** The complainant and a witness stated that the named officer told the complainant if he said another word, he was going to jail. The complainant differed with the complainant on what the complainant's response was. The named officer stated that he might have said the complainant was going to be put in jail if he did not leave, but did not recall what words he used. Three witness officers denied hearing a threat. Another witness did not recall the exchange. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer misused his authority.

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

**FINDINGS OF FACT:** The complainant stated that he was falsely charged with being drunk in public. He stated that he was charged as punishment for refusing to be quiet and leave a public sidewalk when the named officer ordered him to. The named officer denied the allegation, stating that he observed signs that the complainant was drunk, and determined he could not care for himself when the complainant challenged a police officer to a fight. Two witness officers who were named by the arresting officer as the targets of the fight challenge said the complainant was detained for being in an argument with other civilians on the street and jailed for being drunk. One witness officer stated he saw signs of drunkenness. Another witness officer said he did not observe the actions that led to the arrest. One witness officer on the scene denied there was any hostile challenge to a police officer. Another witness who claimed he was standing next to the complainant said he heard the named officer threaten to arrest the complainant if he said one more word, then saw the named officer arrest the complainant when he spoke in defiance of the threat. That same witness and two other witnesses stated that the complainant was not drunk. Another witness jail employee concluded from documents he filled out on the night of the arrest that the complainant did not show signs of intoxication at the time of his booking. 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 ALLEGATIONS #5-9:** The officers engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The officers denied the allegations. No witnesses at the scene could demonstrate observations that confirmed the allegations, and in some instances, there were no witnesses to the allegations. There is insufficient evidence to either prove or disprove the allegations.

**SUMMARY OF ALLEGATION #10:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The named officers denied the allegation. No witness at the scene interviewed by the Office of Citizen Complaints heard the comment alleged by the complainant. One witness did not respond to numerous efforts to interview him. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer failed to properly process a 647(f) Penal Code detention.

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

**FINDINGS OF FACT:** The complainant stated that he requested an alcohol test at the scene of his detention. The officer acknowledged the complainant's request and acknowledged that he did not fill out a form documenting it, as required by the Booking and Detention Manual. Further, a Department bulletin requires that an officer who conducts a 647(f) detention document the facts of the detention on a Public Intoxication Report and forward it to the District Station where the arrest took place. The arresting officer stated that he "probably" completed a Public Intoxication Report and forwarded it to Northern Station. Department records contain no evidence that a Public Intoxication Report was completed. 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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**SUMMARY OF ALLEGATION #1:** The officer acted inappropriately and made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated that a white male officer woke her up when he knocked on her door at 3:00 a.m. The complainant stated that the officer then asked if she had heard anything and the complainant told the officer that she heard a female voice and running outside her residence. The officer then asked the complainant for her name and date of birth. The complainant stated that the officer was intimidating when he asked her those questions and she asked him to also speak to other tenants in the building. Police records revealed that an aggravated assault with a deadly weapon causing a serious injury occurred outside the complainant's residence at the time she was questioned. The police records also showed that approximately 15 police units with multiple officers arrived on scene to investigate this matter and locate suspects and assist the victim. The complainant could not identify the officer other than she believed the male officer to be Caucasian. The police records indicated that multiple officers on scene were Caucasian. The investigation failed to disclose sufficient 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 officers failed to give a dispersal order.

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

**FINDINGS OF FACT:** Complainant stated that she heard something being said by San Francisco Police Department but could not make out the words. The arresting officer made a written statement that a dispersal order had been properly given. San Francisco Police Department was unable to provide audio or video proof of the order. There was insufficient evidence to establish the identity of the involved officer or to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated she was in a certain intersection but said that she should not have been arrested because she did not hear a dispersal order and was not permitted to leave once the intersection had been encircled. She could not identify any officer who refused to permit her to leave. The arresting officer maintained that an audible dispersal order was given and that individuals were permitted to leave. He could not specifically recall taking the complainant into custody. There was insufficient evidence to establish the identity of the involved officer or to prove or disprove the propriety of the arrest.

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**SUMMARY OF ALLEGATION #3:** The officers engaged in inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** Complainant stated that she heard arresting officers make inappropriate remarks about female prisoners. She was not able to identify any officer or any persons who might have heard the remarks. The arresting officer denied making or hearing inappropriate comments. No independent witnesses were located. There was insufficient evidence to establish the identity of the involved officer or to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer failed to maintain custodial control of the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated she was told by an officer whom she could not identify to lock her bicycle and leave it behind when she was taken into custody. She stated that the officer who told her this was not the officer who took her into custody. The arresting officer stated he did not hear anyone tell any arrestee to lock and leave a bicycle. No witnesses were identified. There was insufficient evidence to establish the identity of the involved officer or to prove or disprove the propriety of the arrest.

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**SUMMARY OF ALLEGATIONS #1-5:** The officers displayed their weapons without justification.

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

**FINDINGS OF FACT:** The officers denied the allegation, stating that they received reliable information several days prior to the incident that a suspect they sought to arrest resided at the location in question. They further explained that the suspect had a 24-hour search condition in exchange for his probation, that they believed he had committed a dangerous felony using a firearm and that they reasonably believed that he was at that location, armed with a firearm. The OCC investigation revealed that there was a valid felony arrest warrant. The action was justified.

**SUMMARY OF ALLEGATION #6:** The officer entered the residence without cause.

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

**FINDINGS OF FACT:** The complainants, as well as other officers confirmed that the named member made entry into the residence. However, the member is no longer available and subject to Department discipline.



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**SUMMARY OF ALLEGATIONS #7-18:** The officers entered the residence without cause.

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

**FINDINGS OF FACT:** The officers denied the allegation. San Francisco Police Department learned several days prior to their entry that the suspect they sought to arrest listed his residential address as the house where they made their entry. The Office of Citizen Complaints independently verified the source of the San Francisco Police Department's information. The members of the San Francisco Police Department had reasonable grounds to believe that the person that they sought to arrest might be found at the location they entered. The entry was proper.

**SUMMARY OF ALLEGATIONS #19-27:** The officers searched the residence without cause.

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

**FINDINGS OF FACT:** The officers denied the allegation. They stated that they received reliable information in connection with a suspect that the department sought to arrest who, in exchange for probation, was subject to a 24 hour search condition. This same suspect was also sought in connection with the commission of a violent felony with the use of a firearm. The officers learned that the suspect used a particular location as a residence. They entered the residence, searched it and its improvements, looking for the suspect as well as a firearm he allegedly utilized in the commission of the felony in question. During the course of the search, one of the complainants and principal owners of the residence consented to the search and signed a consent form. The search was justified.

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**SUMMARY OF ALLEGATION #28:** The officer searched the residence without cause.

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

**FINDINGS OF FACT:** The complainants alleged that the officer participated in the search of their residence. However, the member is no longer available and subject to Department discipline.

**SUMMARY OF ALLEGATION #29:** The officers detained the complainants at gunpoint without justification.

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

**FINDINGS OF FACT:** The complainants alleged that members of the Department's Crime Prevention Company detained them at gunpoint without justification. The officers denied the allegation, saying that they carried automatic weapons. Unlike those issued to patrol officers, the weapons they carried are fired from the shoulder and do not re-holster in a manner similar to the standard issue weapons carried by patrol officers. The officers stated that they held their weapons in the low-ready position as they searched the residence for a suspect sought for the commission of a felony utilizing a firearm. They stated their intent was to secure the residence, to seek and arrest the individual in question if he was present, and ready the house for a property search by the Department's investigative unit. However, it was unclear which specific officers were involved in the alleged conduct. There was insufficient evidence to identify the officers involved or to prove or disprove the allegation made by the complainants.

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**SUMMARY OF ALLEGATION #30:** The officers detained the complainants without justification.

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

**FINDINGS OF FACT:** The officers denied the allegation. The co-complainants were allegedly detained by various members of the San Francisco Police Department. The Office of Citizen Complaints interviewed the officers who participated in the entry on the date in question. They either denied detaining anyone or claimed not to recall the two co-complainants who were detained. The co-complainants were unable to describe who specifically detained them. Another co-complainant partially witnessed one of the co-complainants being detained and alleged that he heard the co-complainant question one of the officer's actions as the latter was gaining initial entry to the residence. This witness co-complainant stated that the officer brought the co-complainant to the ground and immediately placed him in handcuffs, but did not witness the entire transaction. There was insufficient evidence to identify the officers involved or to prove or disprove the allegation brought by the complainants.

**SUMMARY OF ALLEGATION #31:** The officer handcuffed the complainants without justification.

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

**FINDINGS OF FACT:** The officers denied the allegation. The co-complainants were handcuffed by members of the San Francisco Police Department's Crime Prevention Unit. The Office of Citizen Complaints interviewed the Crime Prevention officers who participated in the entry on the date in question. They either denied handcuffing anyone or claimed not to recall the two co-complainants who were handcuffed. The complainants were unable to describe who specifically handcuffed them because the Crime Prevention officers all wore balaclavas to conceal their facial features. There was insufficient evidence to prove or disprove the allegation brought by the complainants.

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**SUMMARY OF ALLEGATION #32:** The officer utilized unnecessary force in detaining the complainant.

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

**FINDINGS OF FACT:** The officers denied the allegation. One of the complainants stated that he was taken to the ground by members of the San Francisco Police Department's Crime Prevention Unit. The Office of Citizen Complaints interviewed the Crime Prevention officers who participated in the entry on the date in question. They either denied recollection of the entire incident or claimed not to recall the allegation of force regarding the individual complainant. One of the co-complainants partially witnessed the incident but could not identify the specific officer because the Crime Prevention officers all wore balaclavas to conceal their facial features. There was insufficient evidence to identify the involved officer(s), or to prove or disprove the allegation brought by the complainants.

**SUMMARY OF ALLEGATION #33:** The officers harassed the complainants.

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

**FINDINGS OF FACT:** The officers denied the allegation, stating they had articulated reasons for making entry into the residence and searching it. The complainant stated that while the suspect retained some minimum contacts with the residence, to wit receiving mail there, she alleged that the presence of police amounted to harassment. There was insufficient evidence to name any specific officer, or to prove or disprove the allegation brought by the complainants.

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**SUMMARY OF ALLEGATIONS #34-36:** The officers failed to answer the co-complainants' reasonable questions.

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

**FINDINGS OF FACT:** The officers denied the allegation, stating that they could not immediately answer all of the questions posed to them by the co-complainants, based on when and what questions were asked. They stated that when conditions became favorable for them to answer questions, they addressed and answered the questions posed to them that they were able to answer.

**SUMMARY OF ALLEGATION #37:** The officer failed to provide his name and star number upon request.

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

**FINDINGS OF FACT:** The officer denied the allegation. One of the co-complainants stated that while he was detained outside his parents' home in handcuffs, he requested the name and star number of one of the officers on duty. The officer failed to provide the information in a timely fashion. The co-complainant was unable to identify the officer. There was insufficient evidence to prove or disprove the allegation brought by the co-complainant.

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**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to issue the co-complainants Certificates of Release.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that all of the co-complainants who were not handcuffed were free to leave at any time. There were four co-complainants in all, two elderly women, one elderly man, and a disabled man confined to a wheelchair. Their perception of their freedom to leave the scene differed. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ADDED ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/02/04 **DATE OF COMPLETION:** 04/10/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer threatened the complainant.

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

**FINDINGS OF FACT:** The officer denied that he threatened the complainant. There were no witnesses to this incident. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 07/13/04 **DATE OF COMPLETION:** 04/07/05 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The named member stated that he placed the complainant under arrest for assault with a deadly weapon (car) on and battery of two city employees who were placing a boot on the complainant's vehicle. The two employees submitted written statements corroborating that they were assaulted by the complainant. The complainant stated that he did not assault, nor did he touch the two employees who were placing a boot on his car. One witness identified by the complainant corroborated in part and contradicted in part his version of the incident. The second witness did not respond to the Office of Citizen Complaints request for an interview. The available evidence established that the arresting officer had probable cause to place the complainant under arrest.

**SUMMARY OF ALLEGATION #2:** The officer wrote an inaccurate report.

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

**FINDINGS OF FACT:** The complainant stated that the officer inaccurately reflected in the related police report that the complainant was not detained but arrested and that he was never advised of the arrest charges. The named member stated that his report accurately documented the events of his contact with the complainant. The named member's partner stated that he was not present during the said instances. There were no other identifiable witnesses to these aspects of the incident. The available evidence was insufficient to prove or disprove the allegation.



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**DATE OF COMPLAINT:** 07/13/04 **DATE OF COMPLETION:** 04/07/05 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that the officer did not interview his witnesses and never checked his vehicle in order to verify the complainant's story. The officer stated that the complainant did not offer any witnesses at the time of this contact and that the complainant's vehicle was not in the area where the complainant said it was when the officer went to check it. The officer's partner did not have any recollection regarding those aspects of the incident. There were no other witnesses to this part of the occurrence. The available evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer did not inform the complainant about the reason for his arrest.

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

**FINDINGS OF FACT:** The complainant stated that the officer never informed him about the arrest charges. The named member stated that he, in fact, told the complainant why he was being arrested. The named member's partner stated that he was not present at the time. There were no other identifiable witnesses to this part of the incident. The available evidence was insufficient to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 07/13/04 **DATE OF COMPLETION:** 04/07/05 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #5-6:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that the officer did not take a separate report from the complainant and did not allow the complainant to use a restroom at the station for over five hours. The named member stated that he incorporated the complainant's version of the events in the related police report and that he did not hear any requests from the complainant to use the restroom. The officer's partner stated that the complainant never asked to use the restroom while being detained at the station. The Sheriff's Department records showed that the complainant stayed at the station before being booked in the county jail for about two and a half hours. There were no other identifiable witnesses to this aspect of the incident. The available evidence was insufficient to identify all officers whom the complainant allegedly requested for use of the bathroom and to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #7:** The officer arrested the complainant due to bias.

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

**FINDINGS OF FACT:** The arresting officer and his partner denied that the complainant's race played any role in this incident. There were no other identifiable witnesses to this part of the occurrence. The available evidence was insufficient to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 07/15/04 **DATE OF COMPLETION:** 04/08/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION # 1:** The officers failed to enforce the restraining order and make an arrest.

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

**FINDINGS OF FACT:** The complainant stated that her husband was outside her house in violation of a TRO. When the officer arrived he refused to look at the restraining order and did not arrest her husband. The officer denied the allegation. Witness corroborated the complainant's version. The officer violated DGO 6.09 III. I and Penal Code section 836 (c) (1).

**SUMMARY OF ALLEGATION # 2:** The officer failed to complete an Incident Report.

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

**FINDINGS OF FACT:** The complainant said she asked the officer to write a report to document that her husband was violating the TRO by being less than a 100 yards from where she lived. The officer stated that he did not write an Incident Report or provide a CAD number because there was no crime committed. The witness corroborated the complainant's statement. The officer failed to comply with DGO 6.09 III. 1 by failing to write a report and/or provide the complainant with a CAD number.

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**DATE OF COMPLAINT:** 07/17/04 **DATE OF COMPLETION:** 04/06/05 **PAGE#** 1 **of** 1

**SUMMARY OF ALLEGATION #1:** The officer made a racially derogatory comment.

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

**FINDINGS OF FACT:** The officer denied the allegation. There were no witnesses to the contact between the officer and the complainant's daughter. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer made a sexually derogatory comment.

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

**FINDINGS OF FACT:** The officer denied the allegation. There were no witnesses to the contact between the officer and the complainant's daughter. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The named officers denied the allegations, stating they detained the complainant based solely on the allegations of two witnesses, whose names or identifications were never secured. The state Court of Appeals has ruled that such detentions are unlawful. Department General Orders also prohibit officers from detaining citizens without a clear and articulable suspicion the citizens are engaged in criminal conduct. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable laws and regulations of the Department, the conduct was improper.

**SUMMARY OF ALLEGATION #3:** The officer used profanity and displayed a rude demeanor and attitude.

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

**FINDINGS OF FACT:** The named officer denied the allegation. One witness officer denied hearing any profanity or witnessing any rude behavior or attitude. Civilian witness corroborated the complainant's allegations. No other witnesses came forward. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable laws and regulations of the Department, the conduct was improper.

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**SUMMARY OF ALLEGATION #4:** The officer failed to promptly and politely give his name and star number on request.

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

**FINDINGS OF FACT:** The named officer denied the allegation, saying he did not recall if the complainant asked him for his name and star number. One witness officer denied hearing the officer give his star number and name, and said he did not hear the complainant ask for it. Civilian witness corroborated the complainant's account of asking for the name and star number, and agreed that the officer gave his star number and name rudely. No other witness came forward. 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 #5:** The officer used unnecessary force during a detention.

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

**FINDINGS OF FACT:** The named officer and one witness officer denied the allegation. Civilian witness corroborated the complainant's allegations. No other witnesses came forward. 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 #6:** The officer made inappropriate comments and displayed inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant and a witness said the named officer threatened to take the complainant to jail. The named officer stated that he told the complainant if there was an outstanding warrant for his arrest, he would go to jail. A witness officer said it was he who told the complainant he thought there was an outstanding warrant and that he might go to jail. No other witness came forward. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #7:** The officer failed to take an OCC complaint.

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

**FINDINGS OF FACT:** The complainant stated he went to the Tenderloin District Station and asked to file a complaint. He stated further that an unidentified officer at the window told him to go to the station where the named officer was assigned. An officer who was assigned on the shift stated that he did not recall the contact with the complainant. There were no other witnesses. The investigation failed to disclose sufficient evidence to establish the identity of the office involved or to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/16/04 **DATE OF COMPLETION:** 04/30/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant had a restraining order against her ex-boyfriend, who repeatedly called her on her cellular telephone. The complainant went to a local police station to file an Incident Report. She explained the circumstances to the named officer at the station window, and asked him to write an Incident Report. The officer verified the existence of the restraining order. While the complainant was at the service window, her phone rang. When the complainant identified the caller as her ex-boyfriend, she handed the telephone to the officer. The officer introduced himself by name to the restrained party, and advised him that he was in violation of the restraining order, as the terms of the restraining order included a prohibition on telephonic contacts. Despite this, the officer refused to write an Incident Report. A witness, who accompanied the complainant to the station verified the complainant's assertions and verified the identity of the involved officer. Although the officer denied the allegation, stating that he was not on duty at the time, a preponderance of the evidence established that he was on duty and failed to take the complainant's Incident Report. The allegation is sustained.

**SUMMARY OF ALLEGATION #2:** The officer failed to take required action in that he failed to initiate arrest proceedings.

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

**FINDINGS OF FACT:** The complainant tried to report the receipt of a series of harassing phone calls from her ex-boyfriend, against whom she had a restraining order. According to the complainant and a witness, although the officer verified the existence of the restraining order and witnessed a violation of that order, he refused to write an Incident Report. The conduct reported by the complainant made her ex-boyfriend subject to immediate arrest. The named officer failed to take action to effectuate the suspect's arrest. Although the officer denied the allegation, stating that he was not on duty at the time, a preponderance of the evidence established that he was on duty and failed to initiate arrest proceedings. Both the complainant and the witness identified the officer by name and by physical description. The allegation is sustained.



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

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

**FINDINGS OF FACT:** The complainant and a witness attested to the fact that the officer made statements and suggestions that were inappropriate to a victim of domestic violence. Both felt that the officer was not responsive to the complainant's plight. The officer denied the allegation, stating that he was not on duty at the time. Both the complainant and the witness identified the officer by name and by physical description. The allegation is sustained.

**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #1:** The officer failed to provide the complainant with a domestic violence referral card in Spanish (SFPD 142S).

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

**FINDINGS OF FACT:** The complainant and a witness both confirmed that the complainant went to a district police station to report violations of a restraining order, which was issued to protect the complainant from harassment by her ex-boyfriend. The officer had first-hand knowledge that the restraining order had been violated, but he refused to write an Incident Report and failed to initiate arrest proceedings. The officer also failed to provide the complainant with a DV referral card, in her language (Spanish), which provides information and resources to victims of DV. The officer denied the allegation, stating that he was not on duty at the time. Both the complainant and the witness identified the officer by name and by physical description. The allegation is sustained.

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**DATE OF COMPLAINT:** 08/25/04    **DATE OF COMPLETION:** 04/06/05    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1-2:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated one officer snarled at her and stared her down. She said the officer yelled at her and accused her of filing a false report. The officers denied the allegation. Witness officers did not recall the incident. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation

**SUMMARY OF ALLEGATION #3:** The officer made a sexually derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated that the officer made a sexually derogatory comment to her. The officer denied the allegation. One witness officer stated he did not recall the officer saying anything to complainant. Other witness officers did not recall this incident. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/27/04 **DATE OF COMPLETION:** 04/06/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officer yelled at her and mocked her. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:2-3:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant said she flagged down police regarding removing homeless people from the park. She said the named officer and another officer responded and just looked at her and drove off. On another occasion, she wanted an officer to remove three homeless men from the park and wanted their names. An unidentified male officer refused but called the named officer. The complainant said the named officer responded but did not provide her the names. The named officer stated that she did not recall the first incident, but that she always drives alone. The officer said that, in the second incident, she told the complainant that she would not release the names of the people to the complainant, but would give her the CAD number so she could request the names through the Freedom of Information Act. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #4:** The officer identified the reportee to the suspect.

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

**FINDINGS OF FACT:** The complainant stated that the officer pointed her out as the complainant to three homeless men about whom she was complaining. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08-30-04 **DATE OF COMPLETION:** 04-30-05 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The officers denied the allegation, stating that the complainant was arrested for the appropriate charges. The complainant was charged with animal cruelty, resisting and delaying, possession of a sling shot, and for failing to follow the orders of a police officer under the Vehicle Code. Their supervisor stated he assisted them with charging the complainant. The Office of Citizen interviewed the officers and three witnesses. Two of the witnesses corroborated that the complainant resisted officers' attempts to detain him. The Office of Citizen Complaints also reviewed the audio tape recordings provided by the Department of Emergency Communications. The audio recordings tended to support the officers' statements regarding the Vehicle Code violations. The officers' actions were proper.

**SUMMARY OF ALLEGATION #4:** The officer wrote an inaccurate Incident Report with respect to the condition of the animal.

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

**FINDINGS OF FACT:** The Office of Citizen Complaints reviewed the officer's Incident Report, which was substantially accurate. The officers' investigation included two interviews with the Animal Care and Control officer who examined the animal that was allegedly subjected to cruelty. The Animal Care and Control officer recalled that the animal was in distress, however, that officer explained to the Office of Citizen Complaints that the animal was calm. The officer was unable to tell at the time if the animal had been injured. There is insufficient evidence to prove or disprove the latter allegation.

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**SUMMARY OF ALLEGATION #5:** The officer failed to properly process the complainant's property, i.e., the animal.

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

**FINDINGS OF FACT:** Based on witness interviews, Department of Emergency Communication audio recordings and San Francisco police officer statements, the Office of Citizen Complaints determined that the complainant's animal was properly handled and safely transferred. The named officer acted in a reasonable and prudent manner, as corroborated by witnesses at the scene. The officer's actions were proper.

**SUMMARY OF ALLEGATIONS #6-7:** The officers used unnecessary force during the incident.

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

**FINDINGS OF FACT:** The officers denied the allegation. While they admitted damaging the complainant's clothing in the process of affecting the arrest, they denied dragging the complainant to the patrol car and throwing him in as alleged by the complainant. A witness who did not see the entire action saw the complainant on the ground for a short period of time. The other witnesses could neither confirm nor deny the allegation of excessive force. There is insufficient evidence to prove or disprove the allegation brought by the complainant.

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**SUMMARY OF ALLEGATIONS # 8:** The officer failed to properly process the complainant's property, i.e., a camera.

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

**FINDINGS OF FACT:** The officer denied the allegation. Officers stated that they saw a camera in the complainant's possession during the initial portions of the event. One of the named officer recalled being photographed by the complainant early on during the incident. The complainant stated that he had a video camera in his possession during the incident and that, although he did not at what point the camera was lost, he asserted that the officers lost the camera during his arrest. One civilian witness recalled the complainant had a "handheld" video camera at an earlier point, did not specifically recall seeing it in his possession at the end of the incident. Another civilian witness could not recall seeing the camera at the event's culmination point. There is insufficient evidence to prove or disprove the allegation or to identify the involved officer.

**SUMMARY OF ALLEGATIONS #9-10:** The officers failed to comply with the proper care and custody of a prisoner.

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

**FINDINGS OF FACT:** The officers denied the allegation. They stated that once the complainant was complained of pain, he was offered medical care. The officers stated that the paramedics responded and the complainant was subsequently transferred to San Francisco General Hospital. The witness did not overhear the verbal interaction between the complainant and the officers regarding this aspect of the incident. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #11:** The officer was discourteous.

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

**FINDINGS OF FACT:** The complainant stated that the officer made numerous discourteous statements to him during his transport to the police station. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation made by the complainant.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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

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

**FINDINGS OF FACT:** The officer denied these allegations. Four civilian witnesses and two officers stated that they did not hear the officer make any inappropriate comments and did not observe the officer behave in an inappropriate manner. Based on the preponderance of evidence, these allegations are unfounded.

**SUMMARY OF ALLEGATION #2:** The officer practiced selective enforcement.

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

**FINDINGS OF FACT:** The officer denied practicing selective enforcement. The investigation showed that the officer properly responded to the complainant's call and conducted an investigation based on the complainant's allegations. The investigation failed to disclose any evidence to either prove or disprove this allegation.

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**SUMMARY OF ALLEGATION #3:** The officer failed to conduct a proper investigation.

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

**FINDINGS OF FACT:** The investigation revealed that the officer conducted interviews of the complainant and her alleged assailants as well as three witnesses. Based on the information he received, the officer declared that the complainant's allegations had no merit. The investigation failed to disclose any additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** This complaint raises matters outside the scope of OCC's jurisdiction. In relevant part, the complaint was referred to:

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

Sex Crimes Investigations  
San Francisco Police Department  
850 Bryant Street, Room 436  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer behaved in a threatening and intimidating manner.

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

**FINDINGS OF FACT:** The complainant stated that the officer threatened him with arrest and called the complainant derogatory names. The named member stated that, having investigated the confrontation between the complainant and his neighbor, he determined that the complainant committed a criminal offense. The officer offered a citizen's arrest option to the complainant's neighbor but the neighbor chose not to make any arrest and refused any further police actions. The named member denied calling the complainant any derogatory names. Two SFPD officers who were present at the scene supported this statement. The complainant's mother, who witnessed this police contact told the OCC that the officer treated her son appropriately and never called her son any bad names however the witness stated that she did not recall the exact words that the officer used. The witness when questioned by the OCC investigator required the use of a Spanish speaking interpreter. The complainant's neighbor did not respond to the OCC's requests for an interview. A preponderance of the evidence established that the named member's behavior during this incident was within the Department policies.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that various officers used unnecessary force during her arrest. The officers denied the allegation. Statements by civilian witnesses were inconsistent, providing inadequate corroboration of the complainant's statement. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3-4:** The officers failed to loosen the complainant's handcuffs.

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

**FINDINGS OF FACT:** The complainant stated that she asked the officers transporting her to the police station to loosen her handcuffs, but they refused to do so. The officers denied that she complained of too-tight handcuffs or asked that they be loosened. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

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

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

**FINDINGS OF FACT:** The complainant stated that the officers who transported her to the police station used profanity. The officers denied the allegation. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to administer the Miranda advisement to the complainant.

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

**FINDINGS OF FACT:** The officer stated that he interviewed the complainant at the police station while she was handcuffed and in custody. He stated that he did not administer the Miranda advisement because he did not ask the complainant questions about a crime she was charged with. A tape recording of the interview established that the officer did question the complainant with respect to charges that, as evidenced by SFPD records, were brought against the complainant. A preponderance of the evidence established that the officer failed to administer the Miranda advisement under circumstances where it was required by law. The allegation is sustained.

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**DATE OF COMPLAINT:** 09/22/04 **DATE OF COMPLETION:** 04/06/05 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness identified by the complainant failed to respond to Office of Citizen Complaints request for an interview. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer threatened the complainant's partner.

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

**FINDINGS OF FACT:** The officer denied the allegation. The complainant's partner has not come forward. A witness identified by the complainant failed to respond to Office of Citizen Complaints request for an interview. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to enforce an agreement that the complainant had with her daughter's school. The investigation established that it was not the officer's responsibility to enforce an agreement the complainant had with the school. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**



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**DATE OF COMPLAINT:** 09/24/04 **DATE OF COMPLETION:** 04/07/05 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer threatened the complainants and exhibited inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that the officer acted inappropriately and threatened to take him to jail if the complainant did not pay parking garage fee. The named member denied the alleged misconduct. The statements from the complainant's wife and parking garage supervisor were, in parts, inconclusive and contradictory. The available evidence was insufficient to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer ordered him to pay parking garage fee. The co-complainant stated that the officer offered options; not issuing a single order. The officer stated that the complainant was refusing to move his car or to pay the parking garage fee and the officer explained to him the options available to the complainant. The officer's conduct was proper.

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**DATE OF COMPLAINT:** 09/28/04**DATE OF COMPLETION:** 04/11/05 **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer used unnecessary force during the detention of a suspect.

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

**FINDINGS OF FACT:** The complainant stated that as she rode by in a taxi at night at a specific time, she saw several male officers huddled around a handcuffed male suspect at a particular street corner. She stated that she saw the suspect attempt to stand and then saw one or more of the officers punch the suspect. The Office of Citizen Complaints was unable to obtain information, to a substantial certainty, regarding the identity of the individual detained because the complainant lacked basic information regarding the suspect as well as the nameable officers. One possible detainee refused to provide his residence address when he was booked and he could not be located. The Office of Citizen Complaints obtained information regarding the identity of the officers who detained that specific individual during the approximate time and place in question. That individual was detained for being drunk in public and subsequently transported to the County Jail. The Office of Citizen Complaints questioned the responding officers. They all denied using force. There were no witnesses. There was insufficient evidence to prove or disprove the allegation brought by the complainant.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1-6:** The officers used unnecessary force on peace demonstrators.

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

**FINDINGS OF FACT:** The complainant stated that the demonstrators were peacefully marching and obeying traffic signs, however, officers used batons to jab, prod and strike marchers without provocation. The officers denied and/or did not recall this occurrence. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #7:** The officer failed to follow crowd control procedures.

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

**FINDINGS OF FACT:** The complainant stated that the officers used their batons to hurry and prod marchers, who were lawfully crossing the street, up and onto overcrowded sidewalks. The officers denied and/or did not recall this occurrence. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 10/12/04 **DATE OF COMPLETION:** 04/26/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to interview witnesses or the victim of a crime and failed to investigate in timely fashion or write a police report until some days after she had complained. Responses from San Francisco Police Department members, testimony from witnesses and officers, and various San Francisco Police Department records established that the officer failed to take the steps required by Department regulations in a timely fashion. He was required to gather witness information and to make a report before the end of his tour of duty, which the evidence established that he did not do. The allegation is therefore sustained.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officers denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the complainant's allegation.

**SUMMARY OF ALLEGATIONS #3-4:** The officer's utilized unnecessary force.

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

**FINDINGS OF FACT:** The officers denied the allegation. The complainant alleged that the officers hurt his wrist while he was handcuffed. There were no witnesses. There was insufficient evidence to prove or disprove the complainant's allegation.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers failed to provide medical assistance.

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

**FINDINGS OF FACT:** The officers denied the allegation, stating that the complainant refused to speak to them. The complainant stated in his interview with the Office of Citizen Complaints that he refused to speak because “he had a right to remain silent.” However, the complainant also stated that the officers hurt his wrist while he was in handcuffs, which caused him to complain of pain, but the officers ignored his complaints. There were no witnesses. There was insufficient evidence to prove or disprove the complainant’s allegation.

**SUMMARY OF OCC ADDED ALLEGATIONS #7-8:** The officers failed to report their use of force.

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

**FINDINGS OF FACT:** The officers denied the allegation. The officers stated in their report that they utilized a form of physical control to take the complainant into custody, notably a bar arm takedown, and the complainant did not complain of pain. There were no reported witnesses. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1:** The officer used profane language.

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

**FINDINGS OF FACT:** The named member denied using profanity during the contacts with the complainant. The officer's partner corroborated this statement. One witness to the incident did not recall the officer using profanity on the specified occasion. Two other witnesses did not respond to the OCC's requests for an interview. The available evidence was insufficient to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer had been following in the neighborhood for several months and referring to him using inappropriate language." The named member stated that he had been assigned to foot patrol in the said neighborhood and he had been having daily contacts with the complainant, who was "constantly loitering" in the area. The officer denied inappropriate name-calling on any occasion. The named member's partner corroborated this statement. A witness to one of the officer's contacts with the complainant provided only partial corroboration to the alleged misconduct. Another potential witness did not respond to the OCC's request for an interview. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1:** The officer detained the complainant's friend without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officer stopped and detained his friend without any legitimate reason. The officer stated that he detained the complainant's friend in order to conduct a search because he knew that person was on active felony probation. The officer's partner corroborated this statement. The complainant's friend did not respond to the OCC's request for an interview. Court records showed this person was on probation at the time of the incident. The officer's decision to detain the complainant's friend was proper.

**SUMMARY OF ALLEGATION #2:** The officer handcuffed the complainant's friend without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officer detained and handcuffed his friend without any legitimate reason. The named member and his partner did not recall who handcuffed the complainant's friend. The complainant's friend did not respond to the OCC's request for an interview. The complainant declined to identify and provide contact information for several other individuals who were present during this incident. The available evidence was insufficient to identify the officer responsible for the alleged misconduct or to prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #3:** The officer searched the complainant's friend without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officer detained and searched his friend without any legitimate reason. The officer stated that he searched the complainant's friend because he knew that person was on active felony probation. The officer's partner corroborated this statement. The complainant's friend did not respond to the OCC's request for an interview. Court records showed this person was on probation with a search condition at the time of the incident. The officer's decision to search the complainant's friend was justified.

**SUMMARY OF ALLEGATION #4:** The officer released confidential information to unauthorized person.

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

**FINDINGS OF FACT:** The complainant stated the officer told another person that the complainant had several pending criminal cases. This witness did not respond to the OCC's request for an interview. The officer denied the alleged misconduct. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer harassed the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officer had been harassing him. The named member denied the alleged misconduct. The available evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #6-7:** The officers exhibited inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the officers made inappropriate comments to the complainant and other people in his neighborhood on several occasions. The complainant declined to identify and provide contact information for the individuals who were present during those incidents. The named members denied the alleged misconduct. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION # 1-7:** The officers used unnecessary force during the arrest in the discharge of their weapons.

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

**FINDINGS OF FACT:** The officers denied the allegation saying that they employed the use of lethal force in response to the use of lethal force against themselves. One witness, interviewed the night of the incident, but who was unavailable to the OCC investigation gave both a written and verbal statement. In that statement, the witness attested to seeing a male, whose physical and clothing description matched the complainant, carrying a black semi-automatic pistol, running away from men, who the witness identified as police officers. The witness saw this male fire his gun at the police. Another witness attested to first hearing a series of gunshots and then seeing a male, whose physical and clothing description matched the complainant's, holding a gun. The male ran behind this witness, and the witness heard a gunshot from this vicinity. The witness then saw men, who the witness believed were police officers, shoot numerous rounds at the male. The co-complainant also heard shots and saw a male, whose clothing description matched the complainant's, holding a gun and running from people whom the co-complainant believed were police officers. Another witness saw a male engaged in a gun battle with the police. Because the shooting occurred in an outside jurisdiction, the OCC was not provided with relevant ballistics analyses. Despite this, a preponderance of evidence establishes that the complainant was in possession of a weapon and firing that weapon at police officers. As such, the named members use of lethal force, in this situation, was proper.

**SUMMARY OF ALLEGATION # 8:** The officers used unnecessary force during the arrest in that they hit and kicked the complainant after the shooting.

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

**FINDINGS OF FACT:** The officers involved in this incident denied the allegation. One witness attested to the fact that officers did not hit or kick the complainant after the shooting stopped. The complainant did not identify the identity of the officer(s) involved, but a preponderance of evidence establishes that the act did not occur.

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**SUMMARY OF ALLEGATION # 9:** The officer used unnecessary force during the handcuffing process.

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

**FINDINGS OF FACT:** The complainant stated that the handcuffing process was unnecessarily rough, specifically that the complainant was thrown face down on the ground after he was handcuffed. The named member and witness officers denied the allegation. No civilian witnesses saw the handcuffing process. Although evidence, in the form of witness statements, place the complainant on the ground at the time the handcuffing occurred, there is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION # 10:** The officer made inappropriate comments after the shooting.

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

**FINDINGS OF FACT:** The officers denied the allegation. No witnesses heard the alleged statements, but most were out of earshot or too stunned to hear what was being said. There is insufficient evidence to prove or disprove the allegation or to establish the identity of the involved member.

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**SUMMARY OF ALLEGATION # 11:** The officer used profanity during the event.

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

**FINDINGS OF FACT:** The complainant alleged that officers used profane language after this critical incident. One witness stated that he heard a profane word, but could not identify whether that language was uttered by a police officer or a civilian. There is insufficient evidence to prove or disprove the allegation or to establish the identity of the involved member.

**SUMMARY OF ALLEGATION # 12:** The officer handcuffed the complainant after the event.

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

**FINDINGS OF FACT:** The complainant alleged that the officer did not need to handcuff him because he was injured. The officer denied the allegation. Although it is clear that the officer had the discretion as to whether to handcuff the injured party, it is appropriate, under these circumstances to do so. The officer's conduct was proper.

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**SUMMARY OF ALLEGATION #13-19:** The officers recklessly discharged their firearms and endangered the public.

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

**FINDINGS OF FACT:** The co-complainant asserted that officers could have injured innocent bystanders during this critical incident and could have ignited fuel pumps causing fires or explosions. Officers denied the allegation stating that they were always aware of their surroundings, the need to watch for crossfire, and the backdrop of their target. Although it was found that the officers' weapons discharge in this situation was appropriate, the OCC did not obtain sufficient evidence, in the form of crime scene investigation diagrams and ballistics evidence, to determine whether the number and direction of shots fired unduly endangered members of the public.

**OCC ADDED ALLEGATION**

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

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

**FINDINGS OF FACT:** The officer's report did not include pertinent information about the event. The officer stated that his Captain at the time told him that he did not need to include these elements in his report because officers from the outside jurisdiction, where the event culminated, would prepare this documentation. There is insufficient evidence to prove or disprove the allegation.

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**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #2:** The officer wrote an inaccurate and incomplete Incident Report.

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

**FINDINGS OF FACT:** The officer is unavailable and not subject to Department discipline.

**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #3-7:** The officers failed to provide prompt medical attention.

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

**FINDINGS OF FACT:** The officers denied the allegation, stating that they made efforts to comfort the complainant and stop his bleeding. Emergency Room medical records obtained by the OCC document that the complainant was the victim of multiple gunshot wounds to all extremities, including his chest and abdomen. The complainant survived the incident. A preponderance of evidence indicates that the officers provided appropriate first aid, which allowed the complainant to remain alive and conscious throughout transport from the incident to the hospital. The officers' conduct was proper.

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**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #8-9:** The officers left the district without proper notification.

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

**FINDINGS OF FACT:** The commanding officer of the named members stated that the officers were authorized to leave the district and follow their investigative surveillance wherever it lead. The officers' actions were proper.

**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #10-11:** The officers failed to notify a foreign jurisdiction of SFPD presence and purpose.

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

**FINDINGS OF FACT:** The officers denied the allegation, stating that their activities were of a covert nature, and any communication about the nature or location of the operation might have compromised the operation. The officers also stated that there was no way for them to have known where their operation might terminate. As such, they did not know whom to notify. The rationale presented by the officers was plausible. The officers' conduct was proper.

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**SUMMARY OF ALLEGATIONS #1-2:** The officers drew firearms without justification.

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

**FINDINGS OF FACT:** The complainant stated that the plainclothes officers drew their firearms at him. One arresting officer denied drawing his firearm during the complainant's arrest and the other officer could not recall whether he did it or not. The OCC's attempts to locate and interview two witnesses identified by the complainant proved unsuccessful. The available evidence was insufficient to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he was talking with his friends when he saw two men in football jerseys pull up in a civilian car. The complainant tried to drive off because he was afraid the men were going to mug him, but was stopped and taken into police custody. The named members stated that they were on a plainclothes burglary abatement assignment when they observed the complainant in the area plagued with commercial burglaries. According to the officers, the complainant was driving a motorcycle that had been previously reported stolen and he attempted to flee when the officers tried to detain him. Evidence, in the form of communications data indicated that the officers ran the plate of the vehicle and discovered that it was reported stolen prior to contacting the complainant. The complainant failed to facilitate an OCC interview with the two friends who witnessed this incident. The OCC's attempts to locate and interview those witnesses independently proved unsuccessful. The available evidence was sufficient to determine that the officers had probable cause to arrest the complainant. As such, the action was proper.

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**SUMMARY OF ALLEGATIONS #5-7:** The officers searched the complainant without cause.

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

**FINDINGS OF FACT:** The named members stated that they searched the complainant incident to his arrest. The available evidence stated that the officers had probable cause to arrest the complainant. Therefore, they had sufficient reason to search the complainant and his belongings prior to his arrest. The search was proper.

**SUMMARY OF ALLEGATIONS #8-11:** The officers used excessive force during the complainant's arrest.

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

**FINDINGS OF FACT:** The named members denied the alleged misconduct. The complainant failed to facilitate the OCC's interview with his two friends who witnessed the incident. The OCC's attempts to locate and interview those witnesses proved unsuccessful. The available evidence was inconclusive and insufficient to determine whether the force used by the officers to effect the complainant's arrest was reasonable under the circumstance and not excessive.

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**SUMMARY OF ALLEGATIONS #12-13:** The officers failed to loosen tight handcuffs.

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

**FINDINGS OF FACT:** The named members stated that they handcuffed the complainant according to the Department guidelines on use of restraints and they did not hear him asking to loosen the handcuffs at any time. Several other officers involved in this incident supported those statements. The OCC's attempts to locate and interview two complainant's friends who were present during the incident proved unsuccessful. The available evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #14-15:** The officers failed to properly identify themselves before taking enforcement actions.

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

**FINDINGS OF FACT:** The complainant stated that the officers did not identify themselves as police officers until after they stopped him. The named members stated that they orally identified themselves to the complainant prior to making any attempt to detain him. The OCC's attempts to locate and interview two complainant's friends who were present at the time proved unsuccessful. There were no other identifiable witnesses to this part of the incident. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #16-17:** The officers failed to properly process the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that his glasses were knocked off from his face during the arrest and were not booked with him at the jail. The named members could not recall whether the complainant had any glasses at the time of his arrest and they denied handling his glasses after the arrest. The officer who transported the complainant from the scene of his arrest to the station recalled that the complainant was inquiring about his glasses during the transport. The Sheriff's Department receipt for the complainant's property did not contain inventory of all his property that was transferred with him from the police station to the jail. The available evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #18:** The officer made inappropriate remarks.

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

**FINDINGS OF FACT:** All officers involved in the complainant's arrest denied making the alleged remarks. The complainant could not provide sufficient identifying description of the officers whom he implicated in the alleged misconduct. The OCC's attempts to locate and interview two complainant's friends who witnessed his arrest proved unsuccessful. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #19:** The officer used profanity.

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

**FINDINGS OF FACT:** All members involved in the complainant's arrest denied using profanity. The complainant could not provide sufficient identifying description of the officers whom he implicated in the alleged misconduct. The OCC's attempts to locate and interview two complainant's friends who witnessed his arrest proved unsuccessful. The available evidence was insufficient to prove or disprove the allegation.

**OCC ADDED ALLEGATIONS:**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to properly document use of force.

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

**FINDINGS OF FACT:** The complainant stated that he sustained injuries as a result of his arrest but he did not request medical attention at any time. The named members stated that no entry in the Use of Force Log in connection with the complainant's arrest was necessary because the complainant was not injured and he did not complain of pain. Several other members involved in the complainant's arrest supported this statement. The complainant's jail medical records provided only partial corroboration regarding his claim of injuries. The OCC's attempts to locate and interview two complainant's friends who witnessed his arrest proved unsuccessful. The available evidence was inconclusive and insufficient to determine whether any entry in the station Use of Force Log was, in fact, necessary given the specific circumstances of this incident.

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**OCC ADDED ALLEGATIONS:**

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

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

**FINDINGS OF FACT:** The statements from the complainant and from the involved officers were inconsistent and contradictory regarding several aspects of this incident. The named member stated that his report accurately documented the events pertaining to the complainant's arrest. The OCC's attempts to locate and interview two complainant's friends who were present during the arrest proved unsuccessful. The available evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/09/04    **DATE OF COMPLETION:** 04/07/05    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The officer stated that she arrested the complainant's son after she observed him engage in an illegal narcotics transaction. Narcotics were seized during the arrest. One officer at the scene stated that the complainant's son was involved in a narcotics transaction. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #2:** The officers misused police authority.

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

**FINDINGS OF FACT:** The complainant alleged that officers planted drugs on her son but could not provide any evidence to support her allegation. She acknowledged that her son did not tell her that officers planted drugs on him. Three officers at the scene denied planting drugs on the complainant's son. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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**DATE OF COMPLAINT:** 11/09/04 **DATE OF COMPLETION:** 04/07/05 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer was discourteous.

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

**FINDINGS OF FACT:** The complainant could not provide any information that would identify the officer. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 12/22/04 **DATE OF COMPLETION:** 04/06/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she called the police on two separate occasions to report two separate crimes. The complainant stated the officer on both occasions refused to write an Incident Report. The officer stated that the complainant kept changing the topic when he attempted to investigate her complaints. The officer also questioned the complainant's mental state. There were no other witnesses. There is insufficient evidence to either prove or disprove whether the officer had a duty to make a report.

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

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

**FINDINGS OF FACT:** The complainant stated the officer refused to take her CPU as evidence. The officer stated the option of taking her CPU was never discussed. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/22/04 **DATE OF COMPLETION:** 04/06/05 **PAGE#** 2 of 2

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

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

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

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 12/19/03    **DATE OF COMPLETION:** 04/06/05    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant did not provide the identity of the officer. There were no witnesses who came forward to the O.C.C. to offer evidence. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

REVISED: 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/07/05 **DATE OF COMPLETION:** 04/11/05 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer refused to take a report. The officer stated that the complainant did not ask him for a report and did not report any injuries. The officer further stated that he did not tell the complainant that he could not file a report. Two witnesses stated that the complainant did not ask the officer to make a report. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/10/05 **DATE OF COMPLETION:** 04/11/05 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The officers stated that they detained the complainant for being intoxicated in public and unable to care for himself. They stated that the complainant exhibited many objective signs of intoxication. The complainant acknowledged that he had been drinking heavily that evening; his wife stated that the complainant was not sober. Two witnesses stated that the complainant was very intoxicated and causing trouble in a diner. Based on the evidence obtained, the officers' conduct was proper.

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

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

**FINDINGS OF FACT:** The officer stated that the complainant was cited for resisting and delaying his arrest. The officer stated that the complainant resisted being handcuffed. The officer's partner stated that he had to assist the officer in handcuffing the complainant. One witness failed to respond to contact attempts by the OCC. One witness could not confirm whether the complainant resisted arrest. Another witness stated that, when she first saw the complainant, he was on the ground and handcuffed. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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**DATE OF COMPLAINT:** 01/10/05 **DATE OF COMPLETION:** 04/11/05 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #4-5:** The officers used unnecessary force to detain the complainant.

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

**FINDINGS OF FACT:** One officer stated that the complainant resisted being handcuffed by trying to pull away from the officer. While doing so, the complainant lost his balance and fell to the ground, bringing the officer with him. As a result of this fall, the complainant incurred scrapes and bruises on his face. The officer stated that the only physical control he used was a rear wristlock. The officer's partner stated that he saw the officer in a physical struggle with the complainant and assisted the officer in handcuffing the complainant by placing the complainant's hands behind his back. One witness failed to respond to contact attempts by the OCC. One witness stated that the officer may have thrown the complainant to the ground but could not confirm whether this actually happened. Another witness stated that, when she first saw the complainant, he was on the ground and handcuffed. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**