

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/08 **DATE OF COMPLETION:** 04/19/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used inappropriate behavior toward the complainant.

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

FINDINGS OF FACT: The complainant stated the officer was unprofessional dangerous, aggressive and angry with him. The complainant stated the officer yelled at him to stop and rushed out of his vehicle. The complainant admitted he crossed the street against a yellow traffic light. The officer stated the complainant was irate and was yelling at him. The officer stated he witnessed the complainant cross the street against a red traffic light. The officer stated he stopped the complainant and issued him a citation. There were no independent witnesses at the scene. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was with his mother in her vehicle when she decided to stop to wait for a parking spot. The complainant said the officer yelled at his mother to move the car or be cited. The officer said he did not yell at the complainant's mother. The officer stated the complainant's vehicle was blocking traffic. There is no dispute the complainant's vehicle was stopped waiting for a parking spot. The witness said the officer made them feel threatened if they did not move their vehicle. The witnesses said they did not want to be cited so they moved their vehicle. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated his notebook and his cassette tapes were missing from his backpack. The officers said they recalled seeing the complainant's missing property in his backpack before transport and at the station. The officers stated the complainant was released from the station with his backpack and later returned to report his missing property. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer led an entry and search of a residence.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he had prior knowledge of a wanted suspect with an arrest warrant with a last known address to be the same of the complainant. The officer stated he had received information from confidential informants that the complainant's residence was being used as a gang and drug house. Prior to approaching the residence door in a common walkway area, the officer observed mail addressed to the suspect in an opened mail receptacle with a broken lock. The officer found a loaded weapon in a BBQ pit located directly outside the front door of the residence. The officer stated he could hear voices from within the residence. Due to the exigent circumstances, the officer gave knock and notice at the front door with no reply. The officer stated he made a forcible entry in the complainant's residence and performed a protective sweep. The premises were frozen while the officer authored a search warrant. A San Francisco Superior Court judge signed the search warrant and a search was conducted on the complainant's residence. Witness officers corroborated the discovery of the mail in the opened mail receptacle, the weapon in the BBQ pit, and hearing voices coming from within the residence.

The witness corroborated the condition of the broken mail receptacle, the BBQ pit near the front door, and that numerous young people were seen picking up mail from the mailbox. The witness said his wife saw some individuals jumping out the back window when the police knocked on the door. Another witness said when the complainant had just returned from jail she found some individuals had broken into her apartment and had some illegal contraband in her apartment. The complainant corroborated that violent individuals had invaded her home since December 30, 2006, and she had abandoned her residence.

There is insufficient evidence to determine the existence of the "exigent circumstance" exception, or that the officer had current and valid information that the suspect was inside the complainant's residence at time of entry. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #2: The officer searched and seized personal property without cause.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the broken mailbox was open and in plain view in a common walkway area. The officer stated he seized the mail as indicia to connect the suspect to the use of the complainant's residence. The officer said he located a loaded weapon inside a BBQ pit that was located directly outside the front door of the apartment in the common walkway area. The officer stated he could hear voices from within the residence. Due to exigent circumstances, the officer made entry into the residence. The discovery of the weapon, drugs, and surveillance equipment prompted the officer to secure a search warrant from a San Francisco Superior Judge for further investigation. At the conclusion of the search, the officer left a copy of the search warrant and a copy of the items seized in the residence.

Witness officers corroborated the discovery of the mail in the opened mail receptacle, the weapon in the BBQ pit, and hearing voices coming from within the residence. The witness corroborated the condition of the broken mail receptacle, the BBQ pit near the front door, and that numerous young people were seen picking up mail from the mailbox. The witness said his wife saw some individuals jumping out the back window when the police knocked on the door. Another witness said when the complainant had just returned from jail she found some individuals had broken into her apartment and had some illegal contraband in her apartment. The complainant corroborated that violent individuals had invaded her home since December 30, 2006, and she had abandoned her residence. The complainant stated she had called police and reported prior break-ins to her apartment.

There is insufficient evidence to determine the existence of the "exigent circumstance" exception, or that the officer had current and valid information that the suspect was inside the complainant's residence at time of entry. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3-4: The officers detained the complainant.

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

FINDINGS OF FACT: The secondary investigating officer denied the allegation, stating an investigative detention was necessary to discuss the ongoing investigation that involved the complainant's apartment. The primary investigating officer denied the allegation, stating the complainant was under arrest for maintaining a drug house. The officer said he confirmed the complainant was the sole lessee on the lease. The primary investigator said the complainant was read the Miranda admonishment. Both officers stated the complainant agreed to the interview and was subsequently released for further investigation. The officers said the complainant was issued an 849(b) certificate.

The witness corroborated the presence of numerous young men and women coming in and out of the complainant's apartment. The witness said he would see the complainant come 2-3 times a week to pick up her mail. Another witness said when the complainant had just returned from jail she found some individuals had broken into her apartment and had some illegal contraband in her apartment.

The complainant affirmed she was the sole lessee on the lease. The complainant stated violent individuals had invaded her home and she abandoned the apartment. The complainant said she had problems with the neighborhood individuals burglarizing and vandalizing her apartment. There is insufficient evidence to determine the existence of the "exigent circumstance" exception, or that the officer had current and valid information that the suspect was inside the complainant's residence at time of entry. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5: The officer made an intimidating and threatening comment.

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not make a comment that had been attributed to him. The officer denied requesting the complainant provide a statement and identify the suspects or she would go to jail. The witness officer denied hearing the named officer make any of the alleged comments. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer's comments and behavior were inappropriate.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 20, 2008 and April 17, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to conduct a complete and proper investigation.

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

FINDINGS OF FACT: The officer who initially had contact with the complainant outlined the steps he took when the complainant made a police report. A witness supported this officer's actions. The officer assigned to investigate this matter provided documentation of the steps he took to investigate this matter. The District Attorney's Officer refused to press charges because there were no witnesses and also because the complainant did not want to pursue this case. The suspect was admonished. Both officers conducted a proper and complete investigation. The officers' conduct was proper.

SUMMARY OF ALLEGATION #3: The officer failed to provide an Incident Report in a timely manner.

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

FINDINGS OF FACT: The officer stated he could not recall having any telephone conversations with the complainant. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4-5: The officers made inappropriate comments.

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

FINDINGS OF FACT: One officer stated he could not recall having any telephone conversations with the complainant. The other officer stated he provided the complainant information about the strict charging standards of the District Attorney's Office, which was not helpful to her case. There were no witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers denied the allegations, stating that the complainant was detained for violating a restraining order and vehicle mechanical violations. Department records indicated that the complainant acknowledged at least one of the alleged mechanical violations. Records of the court indicated that the restraining order cited by the police was amended 5 days prior to the detention, but the named officers stated that the computer record on the date of the detention indicated that the restraining order had not been amended. The officers submitted a record of the restraining order from the complainant's criminal record but not one from the date of the detention. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The named and five witness officers denied the allegation or denied being on the scene at the initiation of the detention. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #4: The officer made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The named and five witness officers denied the allegation or denied witnessing the alleged comments or behavior. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The named and five witness officers denied the allegation or denied being on the scene at the initiation of the detention. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #6-7: The officers strip searched the complainant without cause.

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

FINDINGS OF FACT: The named officers denied the allegations. Four officers said they did not witness the evidence cited by the named officers that justified the strip search. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #8-10: The officers intentionally damaged the complainant's vehicle while searching it.

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

FINDINGS OF FACT: The complainant said the officers who searched his car slashed the upholstery. The named officers acknowledged searching the car but denied the allegations. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATION #11: The officer wrote an inaccurate/incomplete Incident Report.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. Four witness officers denied that they were present for the initial detention or denied seeing the actions allegedly left out of the report by the named officer. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #12: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. Four witness officers said they did not see the actions of the complainant on which the named officer based the arrest. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #13-14: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant alleged the officers initiated asset forfeiture proceedings with money that did not belong to him, and was not connected to drug sales. The named officers denied the allegations. Four officers denied seeing the actions on which the named officers justified seizing the property. According to Department records and an OCC interview, the complainant and one witness gave conflicting and inconsistent accounts of the amount of money at issue. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #15: The officer used a racial slur.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. Four witness officers said they were not present at the point at which the complainant said the named officer uttered the slur. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant has not responded to OCC attempts to interview him. There is no evidence to support the complainant's contentions that he was the subject of excessive force at the hand of the police. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers used force on the complainant during the arrest.

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

FINDINGS OF FACT: The complainant has not responded to OCC attempts to interview him. There is no evidence to support the complainant's contentions that he was the subject of excessive force at the hand of the police. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 02/15/08 **DATE OF COMPLETION:** 04/09/08 **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 officer denied the allegation. There were no available witnesses. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/19/08 **DATE OF COMPLETION:** 04/24/08 **PAGE#** 1 of 1

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

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

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

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

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

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

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DATE OF COMPLAINT: 02/20/08 **DATE OF COMPLETION:** 04/30/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer did not have any lawful reason to search her residence looking for her brother because her brother was not paroled to her address. The Department records showed that this address was listed in the complainant's brother's criminal record and that there was an active CDC warrant for his arrest at the time of this occurrence. Given the circumstances of this incident, the officer's attempt to arrest the complainant's brother at her residence based on this warrant was justified and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated she wanted the officers to obtain an Emergency Protective Order against the father of her child. The officers interviewed the complainant, interviewed a percipient witness, and contacted an officer of the court, who declined to issue the EPO. The officers' conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer stated he was stopped in his patrol car admonishing two pedestrians for crossing against a red light when the complainant, on her bicycle, passed very closely by his driver's side door and screamed an unintelligible statement. The officer stated he detained the complainant to determine whether she needed assistance. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied intimidating the complainant. The officer stated he advised the complainant she was subject to arrest for violating California Vehicle Code sections 21809 and 2800(a) and for riding directly at the officer, which could be considered an assault. The officer stated the complainant refused to provide her driver's license or identification upon request and made all her responses in a screaming and hysterical manner. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he “contacted” the complainant’s arm “as a defensive reaction” while “attempting to take hold of her handlebar, as she started to ride her bicycle directly into me.” The officer stated this action by the complainant could be considered an assault on an officer. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers denied the allegations. A witness said she did not see any drugs on the scene. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #3: The officer used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant said the officer punched him in the jaw. The named officer and a second officer denied the allegation. One witness said neither of the officers punched the complainant. The evidence proved that the act alleged in the complaint did not occur.

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SUMMARY OF ALLEGATIONS #4, 5: The officers engaged in inappropriate comments and behavior.

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

FINDINGS OF FACT: The officers denied the allegations. One witness said she could not hear the comments of the officers. In reference to one alleged comment, the witness said the officer recalled a comment differently than the one alleged by the complainant, and heard no profanity. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged various statements and inappropriate actions by the named officer. The complainant submitted evidence that did not support his contentions. The named member denied the allegations. One witness who was present during some of the interaction between the complainant and the named officer denied any inappropriate behavior or comments. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

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SUMMARY OF ALLEGATION # 1: The officer used an inappropriate method of entry into the complainants' residence.

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

FINDINGS OF FACT: The complainant stated officers unnecessarily damaged a metal gate outside the front door while the co-complainant was opening the front door. The co-complainant acknowledged officers announced themselves as police and that it took him some time to get to the front door. The co-complainant also stated that he opened the front door after officers had already forced the metal gate open. The superior officer stated he knocked loudly on the metal gate, announced their presence as police officers executing a search warrant, and waited over a minute before he directed an officer to force open the metal gate. The named officer was executing a court issued search warrant and the preponderance of the evidence established he complied with the knock and notice requirements. The officers' actions were lawful and proper.

SUMMARY OF ALLEGATION # 2-3:The officers searched the complainants' vehicle without cause.

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

FINDINGS OF FACT: The complainants stated no search warrant was presented to them while officers were searching their vehicle. The preponderance of the evidence established that the officers lawfully searched the complainant's vehicle pursuant to a court authorized search warrant. The officers' actions were lawful and proper.

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SUMMARY OF ALLEGATION #4-5: The officers entered and searched the complainants' property and residence without cause.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officers lawfully entered and searched the complainant's property and residence pursuant to a court authorized search warrant. The officers' actions were lawful and proper.

SUMMARY OF ALLEGATION #6: The officer arrested the complainants without cause.

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

FINDINGS OF FACT: The complainants denied ownership of the firearm found in their backyard and stated the backyard was accessible to other tenants in the building. However, no tenants ever came forward to verify or deny the allegation. The Incident Report prepared by the named member states that the firearm "belongs to someone else". However the ownership of the firearm has not been determined. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer applied and failed to loosen tight handcuffs.

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

FINDINGS OF FACT: The complainant said the officer applied handcuffs too tight on her and ignored her requests to loosen the handcuffs at different times while in custody. The officer denied the allegation. Several officers in the residence denied the complainant complained about the handcuffs, but these witnesses were unable to verify or deny the allegation, during transport or at the station. A witness on scene denied the handcuffs were applied too tight in the residence, verified the officer double-lock them, and checked for proper tightness. The evidence established the complainant notified an officer at the station of a pre-existing condition, which rendered the application of handcuffs on her uncomfortable or painful. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8-9: The officers' comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer unnecessarily kicked a bucket in her garage, unplugged an elevated cord for the garage door, and that another unidentified officer called her son a drug dealer. The officer and other officers interviewed denied the allegation. Numerous other witnesses inside the residence at one point or another denied hearing the alleged remarks. There were no other known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 10: The officer failed to provide the complainant a Miranda advisement.

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

FINDINGS OF FACT: The complainant stated that an unidentified officer in plainclothes also questioned her while in custody without affording her a Miranda advisement. The arresting officer reported he provided the complainant a Miranda advisement, and all plainclothes officers questioned denied the allegation. The named officer admitted asking the complainant about a detainee. Another officer at the station heard the complainant say something about her arrest charges, but he could not see or hear if the complainant received a response. Other witnesses at the police station did not hear any officer question the complainant and stated she was not interviewed because she was too upset. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer failed to inform the complainant of her arrest charges.

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

FINDINGS OF FACT: The complainant said she asked an unidentified plainclothes officer of her arrest charges at the station, and she received no response. The named member stated he was ultimately responsible for the arrests, but denied the allegation. A witness at the station heard the complainant say something about her arrest charges, but he could not see or hear if the complainant received a response. Other witnesses at the station could not verify or deny the allegation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/07 **DATE OF COMPLETION:** 04/15/08 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #12: The officer searched the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant said the officer also searched him incident to his arrest without cause. Officers involved in the arrest, transport, and processing of the co-complainant could not recall who searched him. The preponderance of the evidence established that the search warrant included the person of the co-complainant. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #13-14 The officers strip searched the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant said the same officers who stripped searched him in the station were the same two officers who interviewed him while in custody. All officers including the named members denied the allegation. There were no other witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/08 **DATE OF COMPLETION:** 04/18/08 **PAGE# 1 of 2**

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/08 **DATE OF COMPLETION:** 04/18/08 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/08 **DATE OF COMPLETION:** 04/02/08 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer threatened to arrest the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officer looked at her on the street, which is consistent with a pattern of numerous officers appearing wherever the complainant shows up around the city and looking at her. The complainant was at a bus stop on a heavily trafficked street and was standing in the street several feet from the curb. The complainant said the officer told her several times to step back onto the curb, then threatened to arrest her. The evidence established that by her own admission, the complainant was violating the law by standing in the street at a bus stop on a heavily trafficked street and that she refused the officer's lawful order to step back onto the curb. Therefore the officer's threat to take enforcement action was 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: 03/17/08 **DATE OF COMPLETION:** 04/11/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/08 **DATE OF COMPLETION:** 04/15/08 **PAGE #** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/09/07 **DATE OF COMPLETION:** 04/03/08 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION # 1-3: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The complainant stated three plainclothes officer entered his apartment without properly identifying themselves as police officers. The officers stated they identified themselves as police when they entered the open door and had their stars displayed outside their clothing. Two witnesses on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 4-6: The officer entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated one or more officers forced their way into his apartment when he was closing the door. The officers stated the complainant's apartment door was open when they saw a probationer under surveillance in plain view with narcotics next to him. Two witnesses on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/09/07 **DATE OF COMPLETION:** 04/03/08 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #7-9: The officers used excessive force during an entry.

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

FINDINGS OF FACT: The complainant stated one or more officers forced their way into his apartment when he was closing the door, causing him to hit against an object inside his apartment. The officers stated the complainant's apartment door was open when they were on the hallway and entered in search of a probationer under surveillance without any use of force. Two witnesses on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant said an officer detained him inside his apartment after several officers forced their way inside and found narcotics in plain view. The officer and two witnesses stated the complainant was detained outside of his apartment pending further investigation of a probationer's activities inside the complainant's apartment. Two witnesses inside the apartment did not respond to OCC's requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/09/07 **DATE OF COMPLETION:** 04/03/08 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #11: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant said he was handcuffed incident to the arrests of two friends inside his apartment who were found to be in possession of narcotics. The officer could not recall specifically whether or not the complainant was handcuffed. Two witnesses on scene were unable to verify or deny the allegation and two other witnesses did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer made an inappropriate remark.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate remarks related to his medical condition. The officer and witnesses on scene denied the allegation. A second witness on scene could not verify or deny the allegation. Two other witnesses on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/09/07 **DATE OF COMPLETION:** 04/03/08 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #13: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant said an officer searched him after he was handcuffed inside his apartment bathroom. The officer did not recall searching the complainant. Two witnesses on scene gave conflicting statements that neither prove nor disprove the allegation. Two other witnesses on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #14-16: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant said he was not on probation when the officers made a warrantless forced entry into his residence and searched it incident to the arrests of two friends inside his apartment. The officers stated that information from a confidential reliable informant that was corroborated by an independent source led them to the complainant's apartment where a known probationer was staying with the complainant as a caregiver. The officers said they had probable cause to search the probationer, as they believed he was inside the complainant's apartment rather than his probation registered address to avoid detection by law enforcement, and carry on the sales of methamphetamine. The officers said the apartment door was partially open when they saw from a hallway the probationer seated next to narcotics in plain view. There was insufficient evidence and unavailable parties to evaluate the officers' basis for their probable cause to enter the complainant's residence. There was also conflicting evidence about the manner of their warrantless entry into a third party home absence exigent circumstances to render the subsequent search proper.

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SUMMARY OF ALLEGATION #17-18: The officers searched personal property without cause.

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

FINDINGS OF FACT: The complainant said the officers searched his friends' bags, backpack, and cell phone listings incident to their arrests. The complainant said the officers also visually searched the contents of his computer that was on at the time of this incident. The officers and a witness on scene denied the allegation. Two other witnesses on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 19: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officer took twenty-three dollars from him, and failed to account for them as evidence or personal property seized during this incident. Two witnesses on scene could not verify or deny the allegation, and two other witnesses on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/21/08 **DATE OF COMPLETION:** 04/24/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer handcuffed her and she bumped her head against the wall. The complainant acknowledged that she was screaming and uncooperative with the officers at the scene. The officer stated that he employed an Academy-approved technique, a “two hand bent wrist/rear” to keep the complainant from banging her head against a wall. An officer at the scene confirmed the named officer’s statement. Due to the complainant’s behavior, she was held for psychiatric observation. The complainant’s allegation is unfounded.

SUMMARY OF ALLEGATIONS #2-3: The officers detained the complainant pursuant to Welfare & Institutions Code Section 5150 without justification.

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

FINDINGS OF FACT: The complainant stated while she was asleep and alone in her apartment, she was sexually assaulted. She stated this is not the first time this has happened to her. According to dispatch records, the complainant called 911 but refused to answer the dispatcher’s questions. Two officers searched the complainant’s apartment and found no evidence of a break-in or an assault. Two officers stated that while the complainant was outside, she repeatedly banged her head against a tile wall. The named officers determined that the complainant was a danger to herself. Based on the evidence obtained, the complainant was a danger to herself. The officers’ conduct was proper.

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DATE OF COMPLAINT: 04/11/07 **DATE OF COMPLETION:** 04/14/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was involved in a traffic accident. When the officer learned her license was provisional, the complainant alleged he made threatening remarks. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant was involved in a traffic accident. When the officer learned her license was provisional and not authorized to drive, the complainant stated the officer looked her up and down and made a licking motion with his tongue. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/11/07 **DATE OF COMPLETION:** 04/14/08 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION # 3: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated she was involved in a rear end accident whereby she was allegedly rammed by a MUNI bus at a large intersection while at a standstill. The complainant had a passenger in the front seat of the car. She called 911. A police officer arrived at the scene, as well as a MUNI inspector. The MUNI inspector stated it was a non-injury accident. The officer denied the allegation, stating he would have called a traffic enforcement officer to the scene and an ambulance, had the complainant or the passenger needed treatment. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments. The officer denied the allegation. There were no independent witnesses to the contact. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/11/07 **DATE OF COMPLETION:** 04/14/08 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION # 5: The officer failed to write an Incident Report.

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

FINDINGS OF FACT: The complainant was involved in a minor traffic accident with a MUNI bus, whereby the bus rear ended her vehicle. A MUNI inspector came to the scene and prepared a report. The accident was classified as a non-injury accident and an ambulance was not summoned to the scene by the police officer. The officer denied the allegation. The applicable Department General Order does not require the officer to write a report but leaves it optional as to whether MUNI writes the report. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant was involved in a minor traffic accident with a MUNI bus, whereby the bus rear ended her vehicle. A MUNI inspector came to the scene and prepared a report. The accident was classified as a non-injury accident at the scene. No ambulance was summoned to the scene by the police officer. Based on the evidence provided, it was unclear that the passenger's injuries were exacerbated by the incident. The officer denied the allegation, stating that DGO 9.02 gives MUNI jurisdiction over MUNI accident investigations in non-injury accidents. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/25/08 **DATE OF COMPLETION:** 04/11/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant requested a sobriety test and the officer failed to provide the requested test.

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

FINDINGS OF FACT: Under department policy, a sobriety test is required only when the detainee is operating a motor vehicle. The department does not require a field sobriety test when the person shows objective signs of intoxication or impairment and is to be detained for a 647F-public intoxication. The complainant was not driving a motor vehicle at this contact. The complainant was in an office and was asked to leave several times by office employees and the officer. The complainant would not comply with the requests to leave the office. The officer detained the complainant for a 647F violation that was corroborated by several witnesses on scene. The act alleged did occur, however said act was proper and lawful.

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

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

FINDINGS OF FACT: The complainant stated the officer used excessive force. The complainant stated that he was intoxicated at the time of the incident and is bi-polar. An independent witness stated he observed the entire action and the officer did not use excessive force. The witness stated the complainant went to his knees on his own, the officer placed the complainant's arms behind his back and then handcuffed the complainant. The witness further added he observed the officer assist the complainant to his feet, walk the complainant to the patrol car and then make sure the complainant did not bump his head while getting into the back seat of the patrol car. The witness stated he did not hear the complainant complain of pain. The evidence showed the act alleged by the complainant did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/07 **DATE OF COMPLETION:** 04/29/08 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officer bent his finger backwards in an excessive manner during the use of the fingerprint identification machine. The complainant also stated the officer struck him in the face while the complainant was in the holding cell. A witness in the holding cell did not corroborate the complainant's statements of the officer's actions. No other witnesses came forward during the investigation. No witness observed the officer bend the complainant's finger at the fingerprint identification machine. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments and acted inappropriately by kicking at his feet. A witness did not corroborate the alleged specific comments or actions. The officer denied the allegation. No other witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/27/08 **DATE OF COMPLETION:** 04/08/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/28/08 **DATE OF COMPLETION:** 04/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 28, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/28/08 **DATE OF COMPLETION:** 04/15/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer stopped the complainant's car without justification.

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

FINDINGS OF FACT: The complainant stated that the officer stopped his car without any apparent reason. The related police report showed that the officer effected the traffic stop because he observed a parolee at large getting inside the complainant's vehicle. In his OCC statement, the complainant acknowledged that his nephew, a parolee with an outstanding parole warrant, was the passenger in his vehicle at the time of the incident. The existing case law views such traffic stops as valid. The officer's actions were proper and justified.

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

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

FINDINGS OF FACT: The complainant stated that the officer did not have any legitimate reasons to search him. However, in his OCC statement, the complainant acknowledged that he told the officer after the stop that he was driving without a driver's license and that his license was, in fact, suspended. The related police report, in essence, was consistent with the complainant's account of this police contact. Given the circumstances of this incident, the officer had probable cause to take the complainant into custody and conduct an arrest search. The officer's actions were proper and justified.

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DATE OF COMPLAINT: 03/28/08 **DATE OF COMPLETION:** 04/15/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer towed the complainant's car.

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

FINDINGS OF FACT: The complainant stated that his car was towed after the traffic stop without any legitimate reasons. The related police report indicated that the computer check showed the complainant's driver's license suspended for over eight months and that the complainant's car was, in fact, towed. In his OCC statement, the complainant acknowledged that he told the officer at the scene that his license was suspended. According to the Department Policy on Vehicle Tows, officers are mandated to tow cars driven by individuals without driver's licenses or by those, whose driver's licenses were suspended. The officer's decision to tow the complainant's car was proper and within the Department Policy.

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth in the police report.

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

FINDINGS OF FACT: The complainant stated that the officer "lied" in the related police report that the complainant's nephew was a wanted parolee. The police report never actually mentioned anyone by name and it referred to the complainant's nephew as "parolee at large." In his OCC statement, the complainant acknowledged that his nephew was, in fact, on parole and had an outstanding parole warrant. The evidence showed that the alleged misconduct articulated by the complainant did not occur.

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DATE OF COMPLAINT: 04/01/08 **DATE OF COMPLETION:** 04/11/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/03/08 **DATE OF COMPLETION:** 04/14/08 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Management Control Division
850 Bryant Street, Room 545
San Francisco, CA 94103
(415) 553-1091

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

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

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

San Francisco Police Department
Management Control Division
850 Bryant Street, Room 545
San Francisco, CA 94103
(415) 553-1091

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/08 **DATE OF COMPLETION:** 04/22/08 **PAGE # 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/18/07 **DATE OF COMPLETION:** 04/10/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said several unknown officers slammed him to the ground. The complainant stated the officers stepped on him and placed their knees on his neck. The officers stated they did not use any force on the complainant. The officers further said they did not see other officers used any force on the complainant. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

Commanding Officer
San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/10/08 **DATE OF COMPLETION:** 04/19/08 **PAGE#** 1 of 1

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

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

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

Commanding Officer
Internal Affairs
San Francisco Sheriff's Department
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: 03/03/08 **DATE OF COMPLETION:** 04/24/08 **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 complainant said the nearest San Francisco Police Department No Stopping sign was over a hundred feet on the other side of the street, where it was unreasonable to see. The preponderance of the evidence established the complainant's vehicle was parked within inches of the nearest San Francisco Police Department No Stopping sign due to a street closure for the annual women's marathon. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/08 **DATE OF COMPLETION:** 04/28/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately by attempting to have her evicted from her residence. OCC's investigation established that the San Francisco Housing Authority (SFHA) initiated the eviction. According to the SFHA, the officer's involvement was limited to providing them with copies of police reports on crimes committed on their property. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/08 **DATE OF COMPLETION:** 04/14/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In his taped interview to the OCC, the complainant admitted to committing an act giving the officer probable cause to arrest. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/08 **DATE OF COMPLETION:** 04/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer cited the complainant's vehicle without justification

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

FINDINGS OF FACT: The complainant stated the officer cited him for driving without a valid driver's license. The complainant stated he drove with a valid Oregon license and had just registered the vehicle in California. The officers stopped the complainant as he drove a limousine with ordinary California plates with an expired registration on the vehicle. The complainant denied he resided in California, stating he resided at a specific address in Oregon that was also on the complainant's driver's license. Mail sent by the OCC to that same address in Oregon was returned to the OCC without a forwarding address. Computer records revealed the complainant had 138 parking citations in California associated with his vehicle registration, tending to disprove that he resided in a state other than California. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated his vehicle was properly registered with an appropriate tab. The complainant denied he resided in California, stating he resided at the address on his Oregon driver's license. The OCC reviewed information received from Police Department Computer records. This information supported that the complainant resides in California, not in Oregon. The OCC also received independent confirmation that the complainant does not reside at the address he provided to the OCC, which is the same address on his current Oregon Driver's License. Under current laws and General Orders, the complainant was required to properly register his vehicle in California and obtain a California Driver license. The tow was proper. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

San Francisco Police Department
Management Control Division
850 Bryant Street, Room 545
San Francisco, CA 94103
(415) 553-1091

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/08 **DATE OF COMPLETION:** 04/17/08 **PAGE #** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/08 **DATE OF COMPLETION:** 04/28/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/07 **DATE OF COMPLETION:** 04/03/08 **PAGE#** 1 of 2

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 additional requested evidence.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/07 **DATE OF COMPLETION:** 04/03/08 **PAGE#** 2 of 2

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

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

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

SUMMARY OF ALLEGATION #4: The officer conducted an unauthorized strip search.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/07 **DATE OF COMPLETION:** 04/10/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer detained him while he was walking on the street. The officer stated the complainant was loitering in a high crime and narcotics area. The officer said the complainant wore loose and baggy type clothing. The officer further stated the initial contact with the complainant was a consensual encounter. The officer issued a Certificate of Release form to the complainant. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was searched because he wore baggy clothing. The officer stated for officer safety, the complainant was pat searched. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/07 **DATE OF COMPLETION:** 04/10/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer had an intimidating and threatening behavior against the complainant.

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

FINDINGS OF FACT: The complainant stated the officer scared and threatened him with a future arrest if he came back to the area. The officer said he did not make any threats of arrest to the complainant. The officer further stated the complainant had an aggravated manner, a combative stance, and an argumentative disposition. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/07 **DATE OF COMPLETION:** 04/14/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed the complainant.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer was not working at the time of the first alleged incident. The police response by other officers was based on a documented soliciting complaint from a taxi driver reporting the complainant. The evidence further established that the query of the complainant's license plate on the second incident by the officer was based on a corroborated report from a Police Service Aide, who saw the complainant soliciting in the airport lower level. Therefore the evidence showed that the officer was not involved in the act alleged during the first incident, and that the officer's alleged conduct during the second incident did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/08 **DATE OF COMPLETION:** 04/25/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCCs jurisdiction.

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

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

San Francisco State University Police Department
1600 Holloway Street
San Francisco, CA 94132

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/07 **DATE OF COMPLETION:** 04/22/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Unwarranted Action for towing the complainant's vehicle without cause, via civil claim.

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

FINDINGS OF FACT: The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

SUMMARY OF ALLEGATION #2: Neglect of Duty for failure to return tow fees, via civil claim.

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

FINDINGS OF FACT: The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/08 **DATE OF COMPLETION:** 04/29/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/07 **DATE OF COMPLETION:** 04/25/08 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The complainant alleged officers who responded to a crime report did not respond to the address she gave for the crime. The complainant alleged she did not observe the actions of the officers who responded. Two officers who responded said an officer knocked on the door of the address given by the complainant. Another officer stated he knocked on the door. Three other officers who responded said they did not recall the incident. One officer is no longer with the department. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged an officer entered her residence. The named officer denied the allegation. One witness officer acknowledged being at the scene, but did not recall the named officer entering the residence. Four other witness officers denied being on the scene or said they did not recall the incident. One officer is no longer on the force. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/07 **DATE OF COMPLETION:** 04/25/08 **PAGE #** 2 of 3

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

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer acknowledged being at the scene, but did not recall what the named officer said to the complainant. Four other witness officers denied being on the scene at the time of the contact with the complainant or said they did not recall the incident. One officer is no longer with the department. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to properly identify himself.

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer acknowledged being near the scene, but did not recall the actions of the named officer. Four other witness officers denied being on the scene or said they did not recall the incident. One officer is no longer on the force. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/07 **DATE OF COMPLETION:** 04/25/08 **PAGE #** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer refused to put her in contact with the commanding officer and made inappropriate comments. The named officer did not recall any contact with the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/07 **DATE OF COMPLETION:** 04/25/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION # 1-2: The officers detained the complainant for an involuntary psychiatric evaluation without justification.

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

FINDINGS OF FACT: The complainant denied calling 911 to report she had a gun, felt like killing herself, and had ingested a large amount of controlled substances. The officer stated they detained the complainant to investigate a possible suicide attempt. 911 dispatch records confirm the officers were dispatched for those reasons. A preponderance of the evidence shows the officers acted in a lawful and reasonable manner.

SUMMARY OF ALLEGATION #3: The officer failed to follow procedures as detailed in DGO 5.02.

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

FINDINGS OF FACT: The complainant denied making a 911 call to report she had a gun to her head and felt like killing herself and believed the act by the officer to aim his firearm directly at her was unwarranted. The officer said he aimed his firearm at the complainant when she opened the front door based on the report that the complainant was alone at home with a gun to her head threatening to kill herself. The preponderance of the evidence established the officer reasonably believed based on dispatched communications that the report of the complainant's suicide attempt with a gun potentially posed a threat to him and his partner during their entry on this well being check. The officer's actions were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/07 **DATE OF COMPLETION:** 04/25/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant said an officer handcuffed her without justification. The officer stated he handcuffed the complainant and explained to her that it was based on a report that the caller was possibly attempting to commit suicide with a gun. The preponderance of the evidence established that the officers handcuffed the complainant for safety considerations while a weapon's search was conducted. Therefore, the officer's actions to handcuff the complainant while the presence of a gun was ruled out were lawful and proper.

SUMMARY OF ALLEGATION #5-6: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant said the officer was rude by questioning her gender, accusing her of lying about being transgender, and told her to shut up twice unnecessarily. The complainant also alleged other officers laughed at her. The officers involved in this incident denied the allegation. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/07 **DATE OF COMPLETION:** 04/25/08 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7-9: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officers responded to a 911 call of a possible suicide with a gun. The officers said they entered, and found no gun on or near the complainant after their entry. The preponderance of the evidence established that under exigency circumstances the officers lawfully and properly searched the residence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/07 **DATE OF COMPLETION:** 04/19/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drove a department vehicle in an improper manner.

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

FINDINGS OF FACT: The complainant stated that on multiple occasions he saw a canine officer driving a marked department vehicle in excess of the speed limit. The named officer stated that he is allowed to take his department vehicle home due to his specialized assignment. The officer acknowledged driving above the speed limit on more than one occasion while traveling from his home to work, but said this was done while pacing speeding vehicles, effecting traffic stops or responding to collisions. The named officer's sergeant said he was aware of the named officer on-viewing and taking enforcement action concerning traffic and criminal violations while enroute to work. The named officer's sergeant said these actions are permissible, although there are no written regulations or procedures governing the use of department vehicles taken home by airport canine officers. The officer-in command of the named officer's division said canine officers are allowed to conduct traffic stops and issue citations while coming to and from work at the airport. He said they should report this in a memo addressed to the commanding officer or the officer-in command about the circumstances of the off-duty traffic stop. The OCC requested copies of all such memos submitted by the named officer. No such memos were located concerning traffic stops or other enforcement action taken by the named officer. The OCC recommends that the Department adopt regulations governing the use of department vehicles driven home by canine officers that set forth the circumstances in which canine officers can take enforcement action while off duty and that specific written reporting requirements be instituted, including how these documents are to be reviewed and preserved.

SUMMARY OF ALLEGATION #2: The officer failed to properly display the identification of a department vehicle.

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

FINDINGS OF FACT: The complainant stated that on multiple occasions he saw a canine officer driving in excess of the speed limit in a marked department vehicle whose identification numbers were covered over. The complainant stated that on one occasion, he saw this vehicle parked on the street in San Francisco with its identification numbers covered over but its other markings visible. The complainant suspected the named officer was covering over his vehicle's identification numbers to prevent him from being identified. The named officer said canine officers are allowed to cover over markings on their vehicles while off duty and while traveling to and from work.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/07 **DATE OF COMPLETION:** 04/19/08 **PAGE#** 2 of 2

Continued allegation #2

The named officer's sergeant said canine officers are allowed to cover over some or all of the markings on the vehicles they take home for safety reasons, although this is not memorialized in writing. The officer-in-command of the named officer's division said he is unaware of any written policies concerning the use of Department vehicles driven home by canine unit officers. The OCC recommends that the Department adopt regulations governing the use of department vehicles driven home by canine officers that those regulations include under what circumstances and with what authorization members may cover over the markings of Department vehicles.

SUMMARY OF ALLEGATION #3: The officer failed to properly care for a department canine.

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

FINDINGS OF FACT: The complainant said he saw a marked canine unit vehicle parked on the street near a large scale demolition project. The complainant said the vehicle was covered in dust, which he feared the dog inside the vehicle was breathing in. The complainant said a construction worker at the scene told him the named officer had been a block away doing traffic control for several hours. The complainant saw the named officer a block from his vehicle. The complainant felt that the named officer was unable to observe and properly safeguard the dog from possible harm. The named officer stated that he was working a special overtime assignment doing traffic control at a large scale demolition project from midnight to 6:30 a.m. The name officer said he allowed his dog to relieve itself every two hours during this overtime assignment and ensured it had adequate food and water. The named officer said he parked his vehicle on the street adjoining the demolition project and was standing next to his vehicle throughout most of this assignment. The named officer said he moved to a position a block away from his vehicle at 5:30 or 5:40 a.m., and that it was during this time that the complainant saw his vehicle unattended. The named officer said the overtime assignment ended soon afterwards and he returned to his vehicle. Department records established that the named officer worked this overtime assignment from midnight until 8:00 a.m., and not 6:30 a.m. as the officer stated. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/07 **DATE OF COMPLETION:** 04/19/08 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was involved in a verbal altercation with another group of people when the officer rode his motorcycle toward him and caused him to be detained by an unidentified officer for no justified reason. The officer stated the complainant and friends were following a group of people and were involved in a verbal altercation with that group. The officer added that a person in the other group requested his intervention after the complainant reportedly threatened someone in his group. The officer said he rode his motorcycle in between the two groups and warned them to disperse, because a fight seemed imminent. Everyone except the complainant complied according to the officer. The officer said the complainant challenged his directives, and was detained after symptoms of intoxication were observed by the officer. Two witnesses gave inconsistent statements regarding the allegation. Several identified officers stated they arrived after the detention so they could not verify or deny the allegation. There were numerous unidentified officers and civilians present during the time of the detention; however, OCC attempts to identify them were unsuccessful. Other known witnesses did not respond to OCC requests for an interview. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer ran his motorcycle over the complainant's foot while they were both on the sidewalk. Two witnesses who were friends of the complainant, stated the officer ran his motorcycle over the complainant's foot while the complainant and the officer were on the sidewalk. County jail medical records taken during the medical triage on the night of the event stated the complainant said he had a sore foot caused by a SFPD motorcycle running over his foot. The officer denied the allegation. Other officers did not witness the contact as they arrived after the incident occurred. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/07 **DATE OF COMPLETION:** 04/19/08 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer used profane language.

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

FINDINGS OF FACT: The complainant stated the officer made several remarks containing profane language. Two witnesses on scene who were friends of the complainant, corroborated the complainant's statement that the officer used profanity. Several identified officers stated they arrived after the detention so they could not verify or deny the allegation. There were numerous other officers and civilians present; however, OCC attempts to interview them were either unsuccessful or they remained unidentified. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to inform the complainant of his arrest charges.

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

FINDINGS OF FACT: The complainant stated an unidentified officer detained him, handcuffed him, and held him against a building at the direction of the named officer. The complainant said he asked the officers why he was being detained, but the officers were unresponsive. OCC attempts to identify the detaining officer on scene as well as numerous unidentified officers and civilians present at the time were unsuccessful. One witness on scene stated the complainant asked him why he was being arrested and he told the complainant that the named officer would explain to him why. Other witnesses on scene could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/07 **DATE OF COMPLETION:** 04/19/08 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant said the officer made inappropriate comments to him at the police station. The officer denied the allegation. One witness present during the complainant's booking left before the alleged comments were made so he could not prove or disprove the allegation. Other civilian witnesses inside the station did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to properly operate a department vehicle.

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

FINDINGS OF FACT: The complainant said the officer drove his motorcycle onto the sidewalk and ran the motorcycle over the complainant's foot. Two witnesses corroborated that the officer drove his motorcycle onto the sidewalk and ran over the complainant's foot. County Jail medical triage records from the night of the incident stated the complainant said he had a sore foot caused by a S.F.P.D. motorcycle running over his foot. The officer denied that his motorcycle made any physical contact with the complainant. The officer stated that he drove his motorcycle onto the handicap ramp of the sidewalk to separate and intervene between two groups engaged in a verbal argument and to prevent escalation of the argument. Other officers stated they did not witness the contact as they arrived after the contact occurred. There were numerous other civilians and officers on scene who either remained unidentified, or in the case of civilians, did not respond to OCC contact attempts. The San Francisco Police Department Crowd Control manual prohibits the use of motorcycles to be driven into crowds or to be used to make physical contact with persons in the crowd. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/07 **DATE OF COMPLETION:** 04/19/08 **PAGE#** 4 of 4

OCC Added Allegation:

SUMMARY OF ALLEGATION #1: The officer failed to report and document the use of force.

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

FINDINGS OF FACT: There was insufficient physical or medical evidence to support the alleged use of force that warrants a log entry. There were also insufficient witnesses on scene who came forward to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/07 **DATE OF COMPLETION:** 04/30/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to properly process physical evidence. The officer denied the allegation and said that the error made in processing the physical evidence in question was simply an error on his part. While the evidence does establish that an error was made, there is no evidence that the error constituted sustainable misconduct. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer misrepresented the truth during trial. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/07 **DATE OF COMPLETION:** 04/30/08 **PAGE#** 2of 2

SUMMARY OF ALLEGATION #3: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant alleged the officer misrepresented the truth during trial. The evidence shows the officer made inconsistent statements during his court testimony. 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 ALLEGATIONS #4-5: The officers fabricated evidence.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/07 **DATE OF COMPLETION:** 04/25/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer interfered with the rights of bystanders.

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

FINDINGS OF FACT: The complainants alleged the officer wrongfully told one individual to cease interfering and another to leave the scene of an arrest. The officer stated the first individual was not a bystander because he approached the scene of an arrest and interfered with the arrest. The co-complainant confirmed the complainant approached the scene of the arrest. The witness overheard the officer order the complainant to sit down during the course of the arrest. The officer stated he had the right to order the co-complainant away from the scene because her dog began to display aggressive behavior toward him as he performed an arrest of an individual seated in close proximity to the complainant and co-complainant. Both the complainant and co-complainants acknowledged the dog barked during the arrest of the suspect. The evidence proved the act which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainants stated the officer pushed a complainant twice without cause. The complainant stated he repeatedly inquired the reasons behind the arrest of a friend who had been seated next to him on the sidewalk of a street as the officer placed his friend under arrest. The co-complainant said the complainant stood up and physically approached the officer during the course of an arrest. The co-complainant stated the officer warned the complainant to step back before he pushed the complainant, causing him to fall due to the push. The witness did not recall the officer's precise movements. The witness recalled hearing the officer warn the complainant to "sit down and calm down." The arresting officer stated the complainant approached him and interfered with an arrest in progress. The officer stated he warned the complainant to stop interfering and pushed him away once. The officer stated the complainant displayed symptoms of intoxication. The officer said he warned the complainant to stop interfering with the arrest, but the complainant approached him a second time. The officer pushed the complainant away from the scene of the suspect's arrest a second time and arrested him. The evidence proved the act, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/07 **DATE OF COMPLETION:** 04/25/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainants alleged the officer wrongfully threatened to discharge his firearm and kill the co-complainant's "fucking" dog. They stated the officer made the statement in an inappropriate manner. The witness did not overhear the statement made. The officer said he warned the co-complainant that if that the dog bit him; he would have to discharge his firearm. The officer denied making any inappropriate comments. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainants alleged the officer did not promptly and politely provide his name and star number when requested. The witness stood approximately 30 feet away and did not overhear the entire conversation between the complainants and the named officer. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 05/24/07 **DATE OF COMPLETION:** 04/25/08 **PAGE#** 3 **of** 3

SUMMARY OF ALLEGATION #5: The officer failed to state the reason for the arrest.

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

FINDINGS OF FACT : The complainant stated the officer failed to immediately tell him why his friend was arrested. The officer denied the allegation. The co-complainant stated the officer did not immediately state why the individual was placed under arrest when asked, but eventually stated the reason after the individual was secured in a patrol vehicle. The witness did not overhear the entire conversation. The officer was not obliged to provide the reason for the arrest during the arrest process. The evidence demonstrated the complainant physically approached the officer while he asked the officer for the reason for the arrest. The evidence proved 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
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DATE OF COMPLAINT: 05/03/07 **DATE OF COMPLETION:** 04/16/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT The complainant alleged the officers used unnecessary force during her sons' detention. The officers denied any use of unnecessary force. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #3-4: The officers detained the complainant's sons without justification.

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

FINDINGS OF FACT: The complainant alleged the officers detained her sons without justification. The officers stated that there had been an increase of street level robberies in the area where the complainant's sons were detained. The officers stated they saw the complainant's sons, along with other juveniles, running through traffic with no regard for their own safety or for the safety of passing motorists. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/03/07**DATE OF COMPLETION:** 04/16/08 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers conducted a search without justification.

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

FINDINGS OF FACT: The complainant alleged the officers searched his sons without justification. The officers stated they conducted a cursory search for weapons. The officers stated that based on the reports that they had gathered regarding recent robberies in the area where the contact occurred, weapons had been seen or simulated. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #7: The officer displayed inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged the officer engaged in inappropriate behavior and/or made inappropriate comments during the contact. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/03/07 **DATE OF COMPLETION:** 04/16/08 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #8: The officer failed to properly supervise.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/07/07 **DATE OF COMPLETION:** 04/29/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments/profanity and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated he rode his bicycle on the street. The complainant and a witness saw a nearby motorcycle officer stop and drop his motorcycle abruptly, narrowly avoiding a collision with the complainant. The complainant stated the officer called him a profane name. The complainant admonished the officer's driving and continued to an intersection, where the light was red. The officer physically approached the complainant without an enforcement purpose. The officer made an inappropriate remark and demanded that complainant repeat what he stated previously. Both the complainant and an independent witness observed the officer approach the complainant. Both heard the officer use the word "asshole." The witness observed the officer's demeanor when the officer spoke to the complainant. The officer denied the allegation, stating the complainant had become a traffic hazard and he instructed the complainant to "get on his bike and go." 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 OCC ADDED ALLEGATION #2: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated he rode his bicycle on the street. The complainant and a witness saw a nearby motorcycle officer stopped and dropped his motorcycle abruptly, narrowly avoiding a collision with the complainant. The complainant admonished the officer's driving and continued to an intersection, where the light was red. The officer physically approached the complainant without an enforcement purpose. The complainant said the officer used both hands and pushed him in the chest as he sat in his bicycle seat, waiting for the light at the intersection to change. The complainant stated he lost but regained his balance. An independent witness observed the officer approach the complainant and saw the officer reach out and push the complainant in his upper body. The officer admitted that he approached the complainant. He stated he reached out to the complainant and "startled" him. The officer said he observed the complainant lose his balance. The officer denied physically touching the complainant. A preponderance of the evidence proved that the alleged act did occur, and using as a standard the applicable regulations of the department, said act was improper and unlawful.

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DATE OF COMPLAINT: 06/07/07 **DATE OF COMPLETION:** 04/29/08 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #3: The officer drove improperly.

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

FINDINGS OF FACT: The complainant said a motorcycle officer abruptly stopped his motorcycle in order to avoid a collision with the complainant. The complainant stated the officer had been splitting the lane of the street, weaving in and out of traffic in order to get to the front of the block, where the light at the intersection was red. An independent witness corroborated the complainant's statement. The witness observed the officer abruptly stop and drop his motorcycle and narrowly avoid a collision with the bicyclist. The witness said the officer came back from across the wrong side of the roadway where he had sought to move closer to the front of the intersection and proceeded to the right side of the roadway where the bicyclists rode. At that point, the witness observed the officer stop and drop his motorcycle to the roadway to avoid a collision with the complainant. The officer then abandoned his dropped motorcycle in the middle of the roadway to confront the complainant bicyclist at the front of the intersection, creating a road hazard. The officer denied the allegation. He stated he approached the complainant bicyclist because he had become a "pedestrian." 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 OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/17/06 **DATE OF COMPLETION:** 04/28/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant claimed that he was arrested without any legitimate reason. The named member stated that the complainant was a combatant in a street fight. The officer further stated that he arrested the complainant because, during the process of detaining him for the fight on the street, the complainant became extremely violent and refused to be handcuffed. Two other officers involved in this incident corroborated this statement. The complainant failed to assist the OCC in identifying and interviewing the witnesses who allegedly observed the incident. Two other potential witnesses did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers used batons and pepper spray during the arrest without any apparent reason. The named members stated that they used force during the arrest, including baton strikes and pepper spray because the complainant violently resisted arrest and refused to be handcuffed. Another officer involved in this incident corroborated this statement. The complainant failed to assist the OCC in identifying and interviewing several individuals who allegedly witnessed this incident. Two other potential witnesses to the occurrence did not respond to the OCC's request for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/20/07 **DATE OF COMPLETION:** 04/22/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer was attempting to serve a valid arrest warrant to a juvenile who had locked himself inside a community center. The officer denied acting inappropriately. The officer's partner stated the officer did not say or do anything inappropriate. One witness stated he observed the community room in disarray when the police exited the room, but did not see who did it. A witness officer who was praised by witnesses at the scene stated the officer acted appropriately. The witness officer further stated the complainant told him that she had a key to the community center but did not comply with the officer's order to open the door. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The officer denied using profanity. The officer's partner stated he did not hear the officer use profanity. Witness statements were inconsistent as to the officer's use of profanity. A witness officer who was praised by the witnesses at the scene stated he did not hear the officer use profanity. There was no additional evidence to further prove or disprove this allegation.

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DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 04/25/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed his head and slammed it against the wall. The named member and other officers denied using any force against the complainant. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers used profane language.

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

FINDINGS OF FACT: The complainant could identify only one officer (among several), who used profane language towards him while at the police station. Three officers who were questioned in connection with this aspect of the incident denied using profane or uncivil language. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/31/06 **DATE OF COMPLETION:** 04/25/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that a female officer “lectured” him at the station and called him inappropriate names. The complainant could not provide an adequate description of the officer. Three members questioned by the Office of Citizen Complaints in connection with this incident denied speaking with the complainant in the alleged manner. The fourth member did not recall the incident. The available evidence was insufficient to identify the member responsible for the alleged misconduct and either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-6: The officers failed to provide medical attention to the complainant.

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

FINDINGS OF FACT: The complainant stated that his head began bleeding while he was at the station but the officers did not call an ambulance. The complainant’s and the officers’ statements regarding this aspect of the incident were inconsistent and contradictory. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer failed to allow the complainant access to amenities.

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

FINDINGS OF FACT: The complainant stated that the officers did not allow him to use the restroom at the station for extended period of time despite his numerous requests. The complainant could not identify the officer(s) to whom he directed his requests. Three officers who were present at the station at the time stated that they did not hear the complainant's requests to use the restroom. One officer did not recall the incident. The available evidence was insufficient to identify the member responsible for the alleged misconduct and either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to conduct a prompt and thorough investigation.

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

FINDINGS OF FACT: The complainant's head began to bleed allegedly as a result of unnecessary force used by an officer at the station but the senior officer present at the station at the time failed to investigate the matter. When questioned by the Office of Citizen Complaints, this member did not recall the incident. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/13/07 **DATE OF COMPLETION:** 04/02/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he telephoned an investigative detail and spoke to the named officer, a supervisor in that unit, about the inappropriate statements made to him on the day before by a subordinate officer in that unit and by the civilian receptionist. The complainant said the named officer made excuses for their behavior. The complainant felt the named officer was justifying the behavior of the subordinate officer and the receptionist. The named officer said the complainant telephoned and told her he was upset about the way he was treated by an officer in her unit and by the civilian receptionist. The named officer said the complainant was yelling at her in a rude manner, interrupted her as she spoke and finally hung up on her. The named officer said that during her conversation with the complainant she attempted to explain the context of the statements made by the subordinate officer that the complainant thought were inappropriate. She also told the complainant the inappropriate statement by the civilian receptionist might have referred to someone else. There is insufficient evidence to prove or disprove whether the complainant's statements to the named officer constituted a complaint that would have required official action, and there is insufficient evidence to establish whether the named officer's response to the complainant was appropriate under the circumstances.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/17/07 **DATE OF COMPLETION:** 04/22/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide an accurate accident report number to the complainant.

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

FINDINGS OF FACT: The officer provided the correct report number to the complainant. The officer erred by transposing the last three numbers on the report itself. There was no evidence that the officer intentionally transposed the last three numbers on the report. The allegation is not sustained.

SUMMARY OF ALLEGATION #2: The officer failed to respond to the complainant's contact attempts.

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

FINDINGS OF FACT: One witness officer stated he took a message from the complainant and wrote it on the message board for the officer. Two other officers stated they helped the complainant obtain a copy of the report. The officer stated he vaguely recalled seeing a message on the message board. He stated that, by the time he had a moment to respond to the message, it had been erased from the message board. There was insufficient evidence to prove or disprove that the officer was informed of the complainant's attempts to contact him. The allegation is not sustained.

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SUMMARY OF ALLEGATION #1: The officer failed to promptly and politely provide her star number.

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

FINDINGS OF FACT: The complainant stated he asked the officer for her business card. The complainant said the officer responded she had none. The complainant asked the officer for her name. The officer held out her nameplate. The complainant stated the officer did not state her name and star number. The officer denied the allegation. There were no independent witnesses at the station. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he came to a local station to file a counter report and the named officer was the only officer on duty at the time. The complainant stated the officer was rude and told him filing an Incident Report would do no good. The officer also told the complainant it would be preferable for him to file in the district where the crime occurred, or use the Department's internet reporting system. The officer denied the allegation, stating the complainant could not provide the address where the crime alleged occurred. The officer stated she turned to retrieve a telephone directory to look up the business address where the crime occurred, but the complainant and his companion left the station. There were no independent witnesses at the station. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant stated he sought to complain to the officer's superior about her failure to provide appropriate service. The complainant stated he was from another jurisdiction. The complainant did not know about the OCC's services. The complainant requested the name of the officer's supervisor or the Chief of Police. The complainant stated the named officer "shouted out an address" to him. The officer denied the complainant sought to make a complaint. She stated the complainant and his companion walked out. There were no independent witnesses at the station. The investigation failed 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:

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DATE OF COMPLAINT: 08/06/07 **DATE OF COMPLETION:** 04/08/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he left his parked Mercedes Benz vehicle unlocked and his windows rolled down in a busy, crime-ridden area. The complainant alleges his prior contacts with the officer were the officers motivation to search complainants vehicle. The officer stated another officer alerted him to this vehicle. The officer stated he looked inside the vehicle and items were strewn about, consistent with a vehicle that had been stolen or abandoned. He stated he entered the vehicle to see if the ignition had been punched, if the radio had been stolen or if the wires under the dashboard were exposed. The officer alleges his reasons for entering the vehicle fall under the community caretaking exception and do not rise to the level of misconduct. The allegation is not sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/16/07 **DATE OF COMPLETION:** 04/28/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: For failure to take a private person's arrest.

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

FINDINGS OF FACT: The complainant and store manager stated they requested a citizen's arrest, but the officer refused. The officer stated that he did not believe that a crime had been committed because the individual sells from her car. The officers felt that although the vendor violated the store policy, the store was inconsistent in enforcing its policy as it had allowed the vendor to work in this manner in the past. The store did not have the vendor contact information. Per DGO 5.04 Arrests by Private Persons Section II. 2., the officer determined that there was no crime and gave the vendor the benefit of the doubt.

SUMMARY OF ALLEGATION #2: For the officer's inappropriate behavior

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

FINDINGS OF FACT: The complainant said the officer yelled at him while speaking to him on the phone and told him he was wasting his time. The complainant also heard the Sergeant yell at the store manager, while he was on the phone. The officer denied the allegation. The sergeant said he was stern when he spoke but was not yelling. The witness officer stated she did not hear the sergeant yell and said he is soft spoken. The store manager stated the officer yelled and intimidated him. Another witness said that he observed that the store manager was frustrated and the officer was impatient and talking loudly but not yelling. The store did not have contact information for the vendor who is the only other witness. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The matter has been referred to:
Department of Parking and Traffic
505 7TH Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/12/07 **DATE OF COMPLETION:** 04/24/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant admitted to the citable offense.

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed him and shoved him against a vehicle. The investigation disclosed that the officer did seize the complainant and push him against a vehicle, but there was insufficient evidence to determine whether the level of force used was necessary.

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DATE OF COMPLAINT: 09/12/07 **DATE OF COMPLETION:** 04/24/08 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The complainants said the officer flew into a rage over a parking violation. The investigation concluded that the officer's behavior was inappropriate.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/07 **DATE OF COMPLETION:** 04/24/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated in her narrative that she was thrown against a wall. The officer denied the allegation. The complainant and witnesses did not come forward for an interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated in her narrative that officers had contact with her because of her race, as they did not contact her light skinned friends who were present for this incident. The officers denied the allegation. The witnesses and complainant did not come forward for an interview. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 09/14/07 **DATE OF COMPLETION:** 04/24/08 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated in her narrative that she was searched even though she did not match the suspect description, which was a male. The officer said she searched the complainant because she was repeatedly told to stand back from the investigation by several officers. The complainant refused all requests and continued to interfere with the investigation. Due to the nature of the incident and for the safety of herself and other officers on scene, she pat searched the complainant for weapons. The complainant and witnesses did not come forward for an interview. 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: 09/18/07 **DATE OF COMPLETION:** 04/23/08 **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 alleged the officer made inappropriate comments. The officer denied the allegation. Witnesses involved in the incidents stated that the officer was professional during her investigation. These witnesses stated that the officer did not make inappropriate comments toward the complainant. No other witness came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/04/07 **DATE OF COMPLETION:** 04/23/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was tackled and thrown against a wall, causing injury. He further alleged he was hit and kicked by an officer. The complainant admitted being intoxicated and fleeing from the officers. The named officer reiterated the narrative in the Incident Report, i.e., that the complainant ran from the officers, and that the named officer attempted to apprehend the complainant, who fell against a wall. The officer denied using any other force. The other officers at the scene denied that any officer hit or kicked the complainant. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was hit and kicked by an officer. The complainant admitted being intoxicated and fleeing from the officers. The officers at the scene denied that any officer hit or kicked the complainant. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/10/07 **DATE OF COMPLETION:** 04/19/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he observed the complainant stopped in the #1 lane of an intersection for approximately two traffic cycles. Another vehicle blocked the #2 lane alongside the complainant's car. Two vehicles were stopped behind the complainant's vehicle and blowing their horns at the complainant. The officer observed the complainant accelerate from a stopped position to a high rate of speed. The officer stated the complainant's vehicle fishtailed briefly, due to the excessive speed. The complainant admitted she was stopped in the middle of the intersection verbally interacting with occupants of a vehicle stopped alongside her vehicle in the #2 lane. The complainant stated she sped away to avoid the individuals in the other car and to get back quickly to search for a wayward friend. No other witnesses came forward. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he was professional during the traffic stop. The officer adamantly denied stopping the complainant because of her ethnicity, and was unaware of her race until he made contact with the complainant. The traffic stop was based solely on his observations of the complainant violating two vehicle code sections. The officer stated when the complainant failed to sign the citation properly, he informed the complainant of the consequences for failing to sign the citation. He denied throwing the complainant's identification card and citation to the complainant at any time during the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not take any action to assist the complainant's concerns, because her concerns were not made apparent to him. The officer said the complainant told him she was waiting for a friend when individuals in another vehicle began to harass her. He noted the interaction between the complainant and the individuals in the other vehicle appeared to be mutual and consensual, with no apparent hostilities. The officer stated he did not observe the complainant's wayward friend or the other alleged white vehicle. During the Office of Citizen Complaints investigation, the complainant did not articulate an emergency situation involving her friend who chose to leave with another party. No other witnesses came forward. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/07/06 **DATE OF COMPLETION:** 04/08/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was involved in a fight. The complainant alleged that the officer failed to properly investigate the incident. The officer could not fully recall the incident in question. The officer, however, said that after interviewing the two people involved in a dispute, neither party wanted any further police action. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/18/05 **DATE OF COMPLETION:** 04/17/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers harassed the complainant and members of her family.

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

FINDINGS OF FACT: The complainant stated that after her son missed his court date, police officers subjected her and members of her household to unnecessary searches and “aggressive harassment.” SFPD and court records showed that, at the time, the complainant’s son was on probation and had an active arrest warrant, which officers made several attempts to serve. Two members, who were involved in police contacts with the complainant and members of her family at different times, denied being discourteous, disrespectful or harassing towards the complainant’s household. The complainant could identify only one member responsible for the alleged misconduct. No other witnesses came forward. The available evidence was insufficient to either to 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: 10/11/07 **DATE OF COMPLETION:** 04/17/08 **PAGE # 1 of 2**

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

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

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

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

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

FINDINGS OF FACT: The complainant and the co-complainant alleged that the officers used unnecessary force. The co-complainant, who was not on the scene for the entire incident, failed to provide additional requested evidence. The officers denied the allegations. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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DATE OF COMPLAINT: 10/11/07 **DATE OF COMPLETION:** 04/17/08 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. The co-complainant failed to provide additional requested evidence so it could not be determined if she were present at the time of the search. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #6: The officer filed an inaccurate and incomplete Incident Report.

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

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

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DATE OF COMPLAINT: 11/16/06 **DATE OF COMPLETION:** 04/22/08 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was stopped by police while driving. The complainant stopped his car but sped off as an officer approached his car. The complainant drove to the home of a friend where he stopped his car in the middle of the street, ran to his friend's house and rang her doorbell. The complainant's friend opened the door, and numerous officers attacked the complainant and placed him under arrest. The named officers said they stopped the car the complainant was driving because it had been reported stolen, and the complainant fled as one of them approached his car. The officers attempted to follow the complainant's vehicle, but the chase was terminated by a supervisor. Shortly afterwards, other officers saw the complainant exit the vehicle and run towards a residence. The named officers said they responded to that scene and arrested the complainant for multiple charges, including vehicle theft and obstructing an officer and for two no bail arrest warrants. The evidence established that the officers' actions were proper.

SUMMARY OF ALLEGATION # 3: The officers used unnecessary force on the complainant during his arrest.

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

FINDINGS OF FACT: The complainant stated he was stopped by police while driving. The complainant stopped his car, but when he saw an officer with his firearm in his hand approaching his car, the complainant sped off because he feared the officers would physically abuse him. The complainant drove to the home of a friend where he stopped his car in the middle of the street, ran to his friend's house and rang her doorbell. The complainant's friend opened the door and numerous officers attacked the complainant and tackled him to the ground. An unidentified officer repeatedly banged the complainant's head against the ground. After the complainant was handcuffed, unidentified officers repeatedly punched him in the face and kicked him in the side. Unidentified officers turned the complainant over onto his back, held his eyes open and pepper sprayed him in the eyes. An officer choked the complainant until he passed out. The complainant's friend said the complainant telephoned her, told her he was in

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trouble and asked her to open the door for him. The witness said she opened the exterior garage door and saw the complainant run from his car towards her home. She saw officers grab the complainant and take him to the ground, causing the door to break. She then briefly went back inside her home, but returned to the doorway soon afterwards. The complainant's friend said she saw officers attempting to handcuff the complainant, who was moving around on the ground. She went back inside and did not see officers strike or choke the complainant or use pepper spray. The first officers on the scene stated the complainant attempted to flee and resisted when they attempted to take him to the ground. They said the complainant's hands were tucked under his body and he refused repeated orders to show his hands. One of the officers said he struck the complainant twice in the supra scapula/shoulder area with his fist in an effort to force the complainant to remove his hands from under his body, and that one of these blows inadvertently struck the complainant on the side of his head. A second officer said he used pepper spray on the complainant as officers struggled to control and handcuff the complainant. A third officer said he struck the complainant with his fist in the shoulder area in an attempt to force the complainant to remove his hands from under his body, but that these blows had no effect. The second officer pepper-sprayed the complainant, which also had no effect. The third officer said he then used a carotid restraint on the complainant for several seconds, which subdued the complainant and allowed officers to handcuff him. All of the officers at the scene denied that anyone punched the complainant in the face or kicked him, or that any force was used on the complainant after he was handcuffed. During a brief unrecorded conversation, a civilian witness who observed the complainant's arrest and who was contacted at his home said he saw officers beating and abusing the complainant, but this witness declined to be interviewed at the time and failed to respond to requests for an interview. The audio recording of officers' radio transmissions documents officers reporting that the complainant was resisting being handcuffed. Photographs of the complainant and the complainant's medical records document an injury around and to the right eye, with the eyelid swollen shut. A forensic pathologist who reviewed the medical records and photographs said there were multiple potential causes for the injury, including blunt trauma, such as from a punch or from contact with the ground. The expert said it is possible that an impact from the side could have caused this trauma. The statement of the complainant's friend that the complainant was resisting and the communications audio recording provide sufficient evidence to establish that the complainant physically resisted being handcuffed. The force the three officers described using – blows to the supra scapula, use of OC spray and use of the carotid restraint – were within department guidelines concerning use of force. The complainant described unnecessary force used against him after he was handcuffed, but could not identify which of the multiple officers who responded to the scene used this force. Given the totality of the evidence, there is insufficient evidence to identify the officers who committed the actions described by the complainant, or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used unnecessary force on the complainant at the hospital.

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

FINDINGS OF FACT: The complainant said that at the hospital, a male officer who accompanied him in the ambulance choked him until he passed out. One of the officers who went to the hospital said he grabbed the complainant's arms and shoulders there to keep him under control and prevent him from striking a nurse. This officer denied accompanying the complainant to the hospital in the ambulance. This officer's female partner said the complainant refused to comply with a nurse at SFGH and that her partner and an unidentified sheriff's deputy held the complainant down to assist the nurse with removing his clothes. Dispatch records indicate that an officer from a different unit accompanied the complainant in the ambulance. The officers from that unit denied accompanying the complainant in the ambulance. Other officers who responded to the scene of the complainant's arrest said they did not know or did not recall which officer accompanied the complainant in the ambulance. The records of the paramedics who transported the complainant to the hospital indicate that he had an elevated pulse rate and may have been under the influence of alcohol or drugs. They state that he was uncooperative and verbally abusive to the paramedics during treatment and transport. There is insufficient evidence to conclusively identify the officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officers used inappropriate language.

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

FINDINGS OF FACT: The complainant said an officer at the hospital where he was taken following his arrest called him inappropriate names and used inappropriate language. The named officer said he used a single profanity when telling the complainant to calm down. The named officer said he did this because the complainant was acting in an unreasonable and belligerent manner and would not comply with the officer's commands or with hospital staff. The named officer said that when dealing with combative subjects that aren't responding to his commands he some times uses different verbiage in order to calm down the subject. A preponderance of the evidence established that the officer used profane and inappropriate language to the complainant.

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SUMMARY OF ALLEGATION #6: The officers used racially demeaning language.

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

FINDINGS OF FACT: The complainant said unidentified officers at the scene of his arrest used racially demeaning language and an officer made a racially derogatory comment to him at the hospital. All of the officers at the scene denied that any racially demeaning language was used, as did the two officers who went to the hospital. A civilian witness said she was inside her home and did not hear what the officers said to the complainant. Another civilian witness who said he saw the complainant's arrest failed to respond to requests for an interview. There is insufficient evidence to identify the involved officers or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officers used inappropriate language.

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

FINDINGS OF FACT: The complainant said unidentified officers at the scene of his arrest called him inappropriate names and used inappropriate language. All of the officers present denied making the statements described by the complainant. A civilian witness said she was inside her home and did not hear what the officers said to the complainant. Another civilian witness who said he saw the complainant's arrest failed to respond to requests for an interview. There is insufficient evidence to identify the involved officers or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: There was sufficient evidence to establish probable cause for the officers actions. The actions of the officers were justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. Officers involved in the incident denied hearing the alleged profanity. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION # 4: The officer used unnecessary force against the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. Officers involved in the incident denied witnessing the alleged conduct. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers inappropriately confronted him over a traffic incident. A witness stated that he thought the contact was inappropriate. The officers acknowledged the contact, but denied that their interaction with the complainant was inappropriate. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/24/07 **DATE OF COMPLETION:** 04/29/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer held his taxi for three days without justification. The officer stated and his superior confirmed that the officer lawfully and properly seized the complainant's vehicle for soliciting passengers without a permit in San Francisco (1105 and 1165 M.P.C.) and pursuant to taxi detail standard procedures. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #2-3: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant said he felt both officers misrepresented the truth about meeting with a deputy district attorney. The officers stated the assigned officer met with a deputy district attorney as soon as he could to discuss his case, which resulted in the filing of a criminal complaint and a guilty plea. The evidence established the officers had a one-day delay while waiting for print photographs in order to discuss the case with the District Attorney's office. The officers are in charge of the taxi detail and as such must work the case and obtain all necessary documents before a presentation is made. The officers' actions were lawful and proper.

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SUMMARY OF ALLEGATION #4: The officer behaved in an intimidating manner.

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

FINDINGS OF FACT: The complainant said that while trying to get his taxi released and expressing concern over storage fees, he felt the officer tried to intimidate him by telling him he could be in jail for a year if he is found guilty of an offense. The officer and his superior denied the allegation. They stated the complainant was merely advised of Municipal Police Code Sections 1078(a) and 1185 because the complainant had been cited for the same offense a year prior and the district attorney's office had to evaluate the offenses for the proper filing. The officer and his superior were also concerned the complainant would continue to be a repeat offender. The officer's advisement of the law did not constitute misconduct and his actions were therefore lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/18/05 **DATE OF COMPLETION:** 04/12/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that, during the arrest of her brother, the officer slammed him face down on the ground several times. The named member acknowledged applying physical control to the complainant's brother in order to overcome his resistance but denied using unnecessary force during the arrest. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that one of the officers at the scene threatened to arrest her when she tried to get to her brother in the officers' custody. The complainant could provide only a vague description of the member responsible for the alleged misconduct. The officers who took the complainant's brother into custody denied behaving in the alleged manner. No other witnesses came forward. The available evidence was insufficient to either identify the member responsible for the alleged misconduct or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used profanity at the scene.

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

FINDINGS OF FACT: The complainant could not provide sufficient description of the officer responsible for the alleged misconduct. Two primary officers involved in the incident denied the allegation. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 04/02/08 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer towed a car without justification.

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

FINDINGS OF FACT: This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 30, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officer failed to process property.

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

FINDINGS OF FACT This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/25/08 **DATE OF COMPLETION:** 04/11/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/20/05 **DATE OF COMPLETION:** 04/21/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION # 1-24: Members of the San Francisco Police Department engaged in conduct that brought discredit to the department by being inattentive to duty; they also engaged in inappropriate behavior and misused department resources and equipment.

CATEGORY OF CONDUCT: CRD **FINDING:** CONCUR with Department **DEPT. ACTION:**

FINDINGS OF FACT: An anonymous complaint was filed with the Office of Citizen Complaints on December 19, 2005. It complained about videos produced by an officer for members of a San Francisco Police Department Police Station. The complainant also objected to the use of city property and to city employees making “such” videos while on duty, during business hours.

The videos were to be shown at a holiday party but were instead placed on the Internet and accessed by members of the public and the media.

When the videos were first released, the Management Control Division (MCD) of the San Francisco Police Department immediately launched an investigation into the conduct of department members involved in the creation of the videos. The Management Control Division investigation led to sustained findings and disciplinary charges against 35 officers on or about November 2006. Disciplinary charges were filed at both the Police Commission and Chief’s Hearing levels. The charges included but were not limited to:

- Failure to Devote Full Attention to Duty,
- Engaging in Conduct Which Brings Discredit Upon the Department,
- Misuse of Department Property,
- Dissemination of Department Information on Website, and
- Harassment on the Basis of an Individual or Group Race, Color, National Origin, Ethnicity, and others, and
- Engaging in Sexual Harassment Conduct.

In light of San Francisco Police Department’s active investigation into the same behavior. The Office of Citizen Complaints determined that its role would be to review the San Francisco Police Department investigation and findings once made, and in addition, to supplement the investigation to the extent possible.

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The Office of Citizen Complaints obtained all evidence and materials related to the Management Control Division investigations as well as evidence from sources such as civil actions filed subsequent to the Management Control Division investigation. In so doing, the Office of Citizen Complaints discovered a declaration made by a former San Francisco Police Department Police Captain, dated October 22, 2007. The declaration was filed in San Francisco County Superior Court civil in support of Plaintiff officer Opposition to Defendant's Motion for Summary Judgment.

Review of evidence did not serve to alter the previous findings made by the Management Control Division that certain subject officers who created, produced and/or participated in the making of the videos were derelict in their duties and violated a number of Department General Orders. Accordingly, there is neither new evidence to alter the findings made by Management Control Division nor to supplement them. The Office of Citizen Complaints therefore CONCURS with the findings, which resulted in the various Police Commission and Chief's Hearing cases.

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DATE OF COMPLAINT: 11/28/07 **DATE OF COMPLETION:** 04/23/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Unwarranted Action for intentionally damaging property.

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

FINDINGS OF FACT: The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/07 **DATE OF COMPLETION:** 04/09/08 **PAGE#**1of 2

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

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary force during his detention. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant alleged that the officers placed him in tight handcuffs during the contact. The complainant added that the officers did not do anything to loosen his handcuffs. The officers denied the allegation and stated that the complainant did not complain that his handcuffs were tight. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT:11/26/07 **DATE OF COMPLETION:** 4/09/08 **PAGE#** 2 of2

SUMMARY OF ALLEGATIONS #5-6: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officers detained him without justification. The officers denied the allegation and stated that they detained the complainant because he was under the influence of alcohol and was unable to care for himself. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/10/07 **DATE OF COMPLETION:** 04/08/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers detained two juveniles without justification.

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

FINDINGS OF FACT: The complainant agreed to mediate this case but failed to appear for the scheduled mediation. The complainant failed to respond to subsequent contact attempts.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/07/07 **DATE OF COMPLETION:** 04/15/08 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT :

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/07 **DATE OF COMPLETION:** 04/11/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was falsely arrested and imprisoned by the officers. The complainant further said he has incurred loss wages, pain and suffering as a result of this incident. The reportee/victim positively identified the complainant from a Cold Show line up and admonition as the suspect who robbed and assaulted him at gunpoint. The preponderance of the evidence shows 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:

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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 04/29/08 **PAGE #** 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged that officers failed to observe the evidence that he showed them which he claimed proved he had complied with a mechanical vehicle violation. The officers denied the allegation, pointing out that the complainant asked them to sign off on his compliance with an order to have proper, operating equipment, when the equipment he showed them was non-operational. There was no evidence that the inaction on the part of the officers rose to the level of misconduct. There were no witnesses who came forward. There is insufficient evidence to prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/24/08 **DATE OF COMPLETION:** 04/18/08 **PAGE#** 1 of 1

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

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

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

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

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

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

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DATE OF COMPLAINT: 01/02/08 **DATE OF COMPLETION:** 04/03/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant wrote in his statement of complaint that the officer laughed, ignored, and failed to listen to him. The complainant said this officer treated him unfairly. The officer stated she did not recall the incident and the complainant. The witnesses did not recall the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant wrote in his statement of complaint that the officer did not complete his request for his background check/clearance. The officer stated she did not recall the incident and the complainant. The witnesses did not recall the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 01/02/08 **DATE OF COMPLETION:** 04/03/08 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used racially biased actions.

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

FINDINGS OF FACT: The complainant wrote in his statement of complaint that this incident occurred with the officer because he was African American. The officer stated she did not recall the incident and the complainant. The witnesses did not recall the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/08/07 **DATE OF COMPLETION:** 04/03/08 **PAGE #** 1 of 6

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

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

FINDINGS OF FACT: The complainant said someone told her an officer was intentionally damaging a gate. The officers at the scene denied damaging the property alleged by the complainant. One officer broke a window but documented it in the report. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she saw a plainclothes officer on her threshold but could not identify him. One officer at the scene said he entered the residence to do a protective sweep, and two probation officers performed a probation search. Court records indicated that the target of the search had given the complainant's address as his and was on active probation. Three witness officers said they did not enter or observe the entry to the residence. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/08/07 **DATE OF COMPLETION:** 04/03/08 **PAGE #** 2 of 6

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant said an officer leaned into her face and made inappropriate comments, but could not identify the officer. One officer at the scene acknowledged being in the area with the complainant but denied the allegation. Three witness officers said they did not see the behavior or hear the comment. No other witnesses came forward. The co-complainant said an officer acted inappropriately to her when ordering her out of a car. The named officer acknowledged ordering the co-complainant out of a car but denied acting inappropriately. One witness officer present denied the named officer engaged in the alleged behavior. Two witness officers said they were not present when the co-complainant was detained. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #5-8: The officers failed to display their stars on outer clothing.

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

FINDINGS OF FACT: The officers denied the allegations. The co-complainant said one officer showed her his star but not initially. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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DATE OF COMPLAINT: 01/08/07 **DATE OF COMPLETION:** 04/03/08 **PAGE #** 3 of 6

SUMMARY OF ALLEGATION #9: The officer handcuffed the co-complainant without justification.

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

FINDINGS OF FACT: The complainant said the co-complainant should not have been handcuffed, but acknowledged she was not present at the detention and did not see who handcuffed the co-complainant. The co-complainant said the officer who ordered her out of a car handcuffed her. The officer who acknowledged ordering the co-complainant out of a car did not recall handcuffing her. One witness officer who was present at the detention said he did not recall the handcuffing. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer searched a residence without cause.

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

FINDINGS OF FACT: The complainant said her apartment was searched but did not see who did it. One officer at the scene said he entered the residence to do a protective sweep, but denied searching the apartment. Two probation officers performed a probation search. Three witness officers said they did not search the residence. Court records indicate that the target of the warrant arrest during this incident provided the complainant's apartment address as his own and was on active probation with a search condition. No other witnesses came forward. There is insufficient evidence to either identify the officer involved or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer made a derogatory comment to the co-complainant.

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

FINDINGS OF FACT: The co-complainant said the officer who ordered her out of a car used a sexual slur. The named officer denied the allegation. One witness officer at the scene denied the allegation. Two witness officers said they were not present during the detention. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer used profanity.

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

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

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

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

FINDINGS OF FACT: The co-complainant said the named officer ignored her request for his name and that he initially failed to show his star. The co-complainant acknowledged the named officer showed his star, but she could not read it. The named officer said he did not recall the co-complainant asking for his name or star number. Three witness officers denied hearing the co-complainant ask for named officer's name or star number. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer searched the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant said she was searched. The named officer and one witness officer who was present denied the allegation. Two witness officers said they were not present. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #15: The officer failed to loosen handcuffs.

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

FINDINGS OF FACT: The named officer and one witness officer acknowledged contact with the co-complainant but did not recall the co-complainant being handcuffed. Two witness officers denied being present. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The co-complainant said officers did not give her any paper upon releasing her. The officers at the scene did not recall handcuffing or moving the co-complainant. The complainant said she saw an officer release the co-complainant but could not identify him. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant alleged that he was arrested without cause. OCC's investigation established that the officers had probable cause to arrest the complainant. 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: 01/08/08 **DATE OF COMPLETION:** 04/16/08 **PAGE#** 1of 1

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

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

FINDINGS OF FACT This complaint was filed in connection with a civil claim filed against the City and County of San Francisco. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/15/08 **DATE OF COMPLETION:** 04/04/08 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant alleged the officers conducted a traffic stop. Both officers stated they were working in plain clothes and driving an unmarked vehicle when they observed the complainant double-parked in the middle of the street in a high crime area. The officers stated they exited their vehicle to investigate. Both officers stated after they ran the complainant's name and license plate they left the scene. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer denied searching the complainant. The officer's partner stated the officer did not search the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATION #4: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The officer denied searching the complainant's vehicle. The officer's partner stated the officer did not search the complainant's vehicle. Both officers stated their contact with the complainant lasted less than six minutes, an insufficient amount of time to search a vehicle. Computer-Aided Dispatch records confirmed that the stop lasted less than six minutes. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer denied threatening the complainant. The officer's partner also denied that the officer threatened the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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DATE OF COMPLAINT: 01/15/08 **DATE OF COMPLETION:** 04/04/08 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #6-7: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: Both officers stated that their Department-issued badges were visible and that they verbally identified themselves to the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #8-9: The officers violated Department General Order 5.08.

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

FINDINGS OF FACT: Both officers denied violating Department General Order 5.08, which prohibits officers in plain clothes and in unmarked vehicles to make traffic stops. The officers stated they did not make a traffic stop. They stated the complainant was parked in the middle of the street in a high crime area; they waited a few moments for her to move, and when she didn't move, they approached the vehicle to investigate. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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OCC ADDED ALLEGATIONS

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to comply with Department Bulletin 07-049.

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

FINDINGS OF FACT: The officers stated they did not fail to comply with Department Bulletin 07-049, which requires officers to collect traffic stop data. The officers stated that, since they did not stop a moving vehicle, they did not conduct a traffic stop. Thus, they had no duty to collect traffic stop data. There were no 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: