

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/04 **DATE OF COMPLETION:** 07/30/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1,2: The officers failed to maintain required knowledge.

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

FINDINGS OF FACT: The named officers acknowledged telling a party in a landlord tenant dispute to change his locks to keep his landlord out of his apartment. The officers stated that this advice was not legal advice. One witness stated that the named officers told him he was within his rights to change the locks, and then heard the officers repeat that statement to his landlord. Department regulations require officers to maintain knowledge about laws necessary for them to perform their duties, which includes the state law that prohibits giving legal advice or practicing law without a license. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #3: The officer was discourteous to the complainant on the telephone.

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

FINDINGS OF FACT: The complainant stated that she spoke to an officer at the Northern Station who identified himself by name. The complainant alleged that the officer hung up on her. An officer on duty that day denied speaking to the complainant. There were no witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/05 **DATE OF COMPLETION:** 07/31/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was arrested for violation of state law, to witness domestic violence. The arrest was lawful, justified and proper.

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

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

FINDINGS OF FACT: Witnesses both civilian and officers describe the complainant as being hysterical and out of control. The complainant's combative and resistive behavior required two officers to subdue and handcuff the complainant. The evidence shows that the degree of force used was commensurate to overcome the complainant's resistance.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/05 **DATE OF COMPLETION:** 07/31/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The officers denied the allegation. Witnesses stated that they did not hear the officer use profanity. None of the witnesses were present throughout the officer's contact with the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/05 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The complaint presented allegations, which are not within OCC jurisdiction.

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

FINDINGS OF FACT: The complaint presented allegations, which are not within OCC jurisdiction. This allegation has been forwarded to MUNI for review.

SUMMARY OF ALLEGATION #3: The complaint presented allegations, which are not within OCC jurisdiction.

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

FINDINGS OF FACT: The complaint presented allegations, which are not within OCC jurisdiction. This allegation has been forwarded to MUNI for review.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/05 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer denied this allegation. Two witnesses at the scene stated that they did not hear the officer make this threat. Two other witnesses stated that they did not hear the entire conversation between the officer and the complainant. There were no other available witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-6: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The officers denied behaving inappropriately or making inappropriate comments. Two people at the scene stated that they did not hear the conversation between the complainant and the officers. A third witness stated that the officers were not inappropriate in any way. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/05 **DATE OF COMPLETION:** 07/26/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 26, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 26, 2005.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/05 **DATE OF COMPLETION:** 07/25/05 **PAGE# 1 of 1**

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

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

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

Personnel Protective Services
3 Waters Park Drive, Suite 224
San Mateo, CA 94403
(650) 340-9962

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-3: The officers displayed and pointed their firearms without justification.

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

FINDINGS OF FACT: The officers stated that they knew the complainant from prior contacts involving possession of firearms, and also knew that the complainant had outstanding felony warrants involving domestic violence where the complainant used a firearm. One officer also stated that he had previously arrested the complainants for possession of a firearm in their vehicle. There is insufficient evidence to establish whether or no the officers had a reasonable belief that the complainant posed an immediate threat to the officers or to others.

SUMMARY OF ALLEGATION #4: The officer damaged the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated that the front end of his vehicle was hit once by the front of an unmarked car; the co-complainant stated that the complainant's vehicle was hit three times by the unmarked car. The officer denied hitting the complainant's vehicle. Two officers inside the unmarked car stated that the unmarked car did not hit the complainant's car. The damage to the complainant's vehicle was not consistent with typical front-end damage. There was no damage to the front end of the unmarked car. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #5: The officer failed to operate a Department vehicle in a proper manner.

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

FINDINGS OF FACT: The complainant stated that he heard, but did not see, the unmarked vehicle close to him. The co-complainant stated that, while she was face down on the ground, she saw the unmarked vehicle being driven in an improper manner. The officer stated that he was always more than a couple of car lengths away from the complainant, due to traffic conditions. A witness officer stated that the officer was always at least twenty yards away from the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer denied stated that he grabbed the complainant's legs as the complainant tried to flee over a fence. He stated that he did not punch the complainant. Photos taken at the OCC did not show any visible bruises on the complainant. There were no witnesses. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #7: The officer used unnecessary force during the co-complainant's detention.

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

FINDINGS OF FACT: The officer stated that, when the co-complainant refused his order to get on the ground, he grabbed one of her arms and directed her to the ground, where he placed handcuffs on her. He stated that he then sat her up; he denied pulling her up by the handcuffs. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #8: The officer searched the co-complainant without cause.

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

FINDINGS OF FACT: The detaining officer stated that a female officer responded to the scene to pat search the complainant. Although the female officer could not be identified, officers do have the authority to conduct pat searches for weapons if they have reasonable suspicion that the suspect might be armed. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 4 of 4
OCC ADDED ALLEGATIONS:

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to take required action, i.e., report a collision involving a Department vehicle.

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

FINDINGS OF FACT: The officer denied that the Department vehicle he was driving was involved in a collision with the complainant's vehicle. Two officers who were passengers in the Department vehicle stated that the Department vehicle did not make contact with the complainant's vehicle. Photographs taken of both vehicles do not show damage typically sustained in a collision such as the one described by the complainants. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/05 **DATE OF COMPLETION:** 07/31/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers stated that they arrested the complainant as a suspect in a domestic violence case. The victim was issued an emergency protective order and identified the complainant as her attacker. The victim had visible injuries and was taken to a hospital. The officers' actions were in accordance with Department General Order 6.09, which requires an arrest when probable cause exists that a domestic violence assault or battery has occurred. The officers' actions were proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to advise the complainant of his Miranda rights.

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

FINDINGS OF FACT: The complainant stated that the officers questioned him without advising him of his rights. The officers stated that they did not advise the complainant of his Miranda rights because they did not interview or interrogate the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove that the officers questioned the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/05 **DATE OF COMPLETION:** 07/31/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer denied making inappropriate comments to the complainant. There were no witnesses to their interview. There was insufficient evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/05 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled and screamed at her without justification. The officer denied the allegation. There was insufficient evidence and no witnesses to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to explain how to dispose of her citation. The officer denied the allegation, stating that he routinely explains the disposition of a citation to cite. There was insufficient evidence and no witnesses to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/05 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer threatened to cite her for additional vehicle code violations without cause. The officer denied the allegation. There was insufficient evidence and no witnesses to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer falsely accused her of having nearly run him down. The officer denied the allegation. There was insufficient evidence and no witnesses to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:03/30/05 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to provide star and /or name upon request.

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

FINDINGS OF FACT: The complainant stated she did not learn the officer's identity during this traffic stop. The complainant stated that the officer told her a follow-up letter from the Department of Parking and Traffic would fully explain her citation, so she assumed the officer's identity would be on that citation statement. However, the complainant admitted to not specifically requesting the officer's name or star number during the traffic citation stop. Because no request for identification was made, the officer had no affirmative duty to provide identification.

SUMMARY OF ALLEGATION #6: The officer engaged in reckless driving.

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

FINDINGS OF FACT: The complainant stated that the officer rode his patrol vehicle within inches of her rear bicycle wheel. The officer denied the allegation. There was insufficient evidence and no witnesses to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/05 **DATE OF COMPLETION:** 07/25/05 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. By the complainant's own statement the officer's comment was "have a nice day", and I think we need to talk about your sticker (registration.) The complainant indicated the officer smirked as he spoke, but without the proper registration, the officer was correct in enforcing the stop program violation.

SUMMARY OF ALLEGATION #2: The officer selectively enforced the law.

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

FINDINGS OF FACT: The complainant based this allegation on the fact that along with his car, there was another vehicle with out of state plates and it was his vehicle that was stopped. The officer denied the complainant's version of the event and articulated probable cause for the complainant's vehicle, the facts of which were confirmed by the complainant and DMV records. The investigation concluded that the circumstances for the car stop as alleged by the complainant did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/05 **DATE OF COMPLETION:** 07/25/05 **PAGE** #2of 2

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

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was detained in order to conduct an investigation into suspected California Vehicle Code violations. The investigation of the incident determined there was probable cause for the car stop. These facts were confirmed by DMV records and statements made by the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/05 **DATE OF COMPLETION:** 07/12/05 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer detained person(s) without justification.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/05 **DATE OF COMPLETION:** 07/12/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer engaged in a racially-biased detention.

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

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/05 **DATE OF COMPLETION:** 07/12/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer arrested an individual without cause.

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

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

SUMMARY OF ALLEGATION #6: The officer engaged in unnecessary force.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/05 **DATE OF COMPLETION:** 07/06/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 6, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 6, 2005.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/05 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's actions were rude and inappropriate.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 22, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 22, 2005.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/05 **DATE OF COMPLETION:** 07/25/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take a required action; investigate the incident.

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant said nothing about a crime but made a complaint about MUNI employees. The officer stated he pointed out a MUNI Inspector to him. The Muni Inspector stated there was no contact between him and the officer, but he did assist the complainant. The investigation was unable to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/03 **DATE OF COMPLETION:** 07/31/05 **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 stated the officer threatened his life with his department issued handgun. The officer denied the allegation. The officer stated the complainant was not cooperative and refused verbal commands to show his hands and get on the ground. There were no additional witnesses during the incident. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer used profanity during the arrest. The officer admitted to using profanity in order to get the complainant's attention during a chaotic arrest. A witness officer corroborated the named officer used profanity during the incident. There were no additional witnesses. There is insufficient evidence to establish that, under the circumstances, the officer's actions rose to the level of misconduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/03 **DATE OF COMPLETION:** 07/31/05 **PAGE #** 2 of 3

SUMMARY OF ALLEGATION #3-7: The officers used unnecessary force at the scene.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force during the incident. The complainant stated the officers struck and kicked him during the arrest. The officers denied the allegation. The officers stated the complainant was not cooperative, failed to show his hands, and turned away from the officers. There were no additional witnesses and insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer failed to prepare a complete and accurate Incident Report.

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

FINDINGS OF FACT: The complainant stated the Incident Report was not factually true and accurate. The complainant stated he was not resisting the officers during the arrest. The complainant stated he did not have a weapon. The officer denied the allegation. The officer stated the incident report was accurate based on the officers' and witnesses' statements. There were no additional witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/03 **DATE OF COMPLETION:** 07/31/05 **PAGE #** 3 of 3

SUMMARY OF ALLEGATION #9: The officer failed to properly process complainant's property.

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

FINDINGS OF FACT: The complainant stated the cash amount confiscated by the officer after the arrest was different than what he believed he had before the incident. The officer denied the allegation. The officer stated the cash property booked, as evidence was the actual amount collected from the complainant at the scene. The complainant signed a San Francisco Police Department Property Receipt which has the listed amount booked from him by the officer. There were no additional witnesses and insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: Officer denies the allegation. There are no witnesses identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/05 **DATE OF COMPLETION:** 07/25/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/05 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: During the complainant's OCC interview, he admitted to the jaywalking offense. The investigation concluded the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer enforces the law selectively.

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

FINDINGS OF FACT: The complainant stated in his OCC interview this was the first ticket he had ever received from the officer and has never been arrested by him. The complainant said the officer gives out a lot of tickets to the black males and black youth in the area. This statement does not support the complainant's allegation that the Officer enforces the law selectively. Largely African American citizens populate the area where this incident took place and it is reasonable to expect that African American citizen's will be the largest body of the population receiving citations. The evidence proved that the acts alleged in this complaint did not occur. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/05 **DATE OF COMPLETION:** 07/15/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 15, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 15, 2005.

Revised 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/04 **DATE OF COMPLETION:** 07/31/05 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The officers stated that they heard a broadcast of a description of a man with a gun. The named officers called in to Headquarters for a repeat of the description when they saw the complainant driving a vehicle that closely matched the description of the suspect vehicle. They followed the complainant and conducted a felony stop. The evidence suggests that the officers did not see the driver prior to the stop. There is insufficient evidence to establish whether or not the officers could or should have observed that, although the complainant's truck was reasonably similar to the suspect vehicle, the complainant's age and physical appearance differed from the suspect's description. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that one officer pushed him over and his face was injured by contact with the sidewalk, and another officer hurt his arm when he handcuffed him. Photographs show injury to the complainant's face. None of the officers at the scene acknowledged using any force on the complainant, nor did they see any other officer use unnecessary force. One officer stated that he saw an unidentified officer use a bar-arm takedown on the complainant. This officer stated that he assisted the unidentified officer in handcuffing the complainant. No officer acknowledged seeing any injury on the complainant or hearing the complainant complain of injury. The complainant was unable to identify the officers who allegedly used force. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/04 **DATE OF COMPLETION:** 07/31/05 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #5-8: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The offices stated that, acting on a report of a man with a gun, they conducted a felony stop of a vehicle and searched the vehicle for a gun. The complainant stated that he did not consent to the initial search of the vehicle. The officers stated that the complainant consented to the search. Although the circumstances of the investigative detention justified the search of the vehicle for weapons, the justification for the detention is disputed. There is insufficient evidence to prove or disprove the allegation.

OCC-ADDED ALLEGATION

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to report the use of force.

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

FINDINGS OF FACT: The officer at the scene denied the use of reportable force. There were no witnesses. The complainant was unable to identify the officers who allegedly used force. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/05 **DATE OF COMPLETION:** 07/26/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:05/23/05 **DATE OF COMPLETION:**07/29/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers denied the allegation and stated the complainant had been stopped to remind him of his most recent ban from the County Library. The Branch Manager confirmed the officer's explanation for the stop. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified lawful, and proper.

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

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

FINDINGS OF FACT: The officers denied the allegation and stated the complainant failed to obey verbal command and grew resistive when she tried to talk to him. The officer's partner confirmed the officer's version of the events. However, the investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:05/23/05 **DATE OF COMPLETION:**07/29/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS # 4-5: The officers searched and seized the complainant's property without cause.

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

FINDINGS OF FACT: The officers denied the allegation. During the complainant's OCC interview he stated the officer's removed his wallet from a pocket in his jacket at his direction, queried his identification and returned his wallet to his jacket. The search of the complainant's jacket in order to secure his identification was at his direction and is viewed as consensual and proper. No property was seized.

SUMMARY OF ALLEGATIONS #6-7: The officer's harassed the complainant.

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

FINDINGS OF FACT: The officer's denied the allegation and stated they had come into contact with the complainant to remind him of his past status and current ban from the County Library. County Library officials confirmed the cause for the officers stopping the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers made threatening and inappropriate comments to the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officers denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officers denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/05 **DATE OF COMPLETION:** 07/27/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer wrote an inaccurate Incident Report. The officer denied the allegation and there was no witness present during the booking in question. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer misused his policy authority.

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

FINDINGS OF FACT: The complainant alleged that the officer planted narcotics during her booking. The officer denied the allegation and there was no witness present during the booking in question. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 07/24/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no other witnesses to the event. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer was rude to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. There were no other witnesses to the event. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no other witnesses to the event. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no other witnesses to the event. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer had no right to order him and others not to gather personal belongings on public access, a sidewalk. The officer submitted five previous instances where in the complainant was made aware and cited for municipal and police code violations, which the complainant continued to violate. The officer's actions were lawful and proper under the circumstances.

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

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

FINDINGS OF FACT: The complainant was arrested pursuant to an outstanding warrant. The officer's actions were lawful and proper.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 07/09/05 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The complainant alleged that his handcuffing was without justification. The officer handcuffed the complainant pursuant to department regulations requiring the handcuffing of a prisoner prior to transport. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/05 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take required action per Department GeneralOrder 6.09.

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from OCC investigation.

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from OCC investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/05 **DATE OF COMPLETION:** 07/21/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer surreptitiously tape-recorded the complainant's telephone conversation.

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

FINDINGS OF FACT: The evidence proved that the officer's surreptitious tape-recording of the complainant was justified by Departmental policy, procedure, or regulation; however the OCC recommends a change in the particular policy, procedure, or regulation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/05 **DATE OF COMPLETION:** 07/24/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no witnesses to the incident. There is insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/04 **DATE OF COMPLETION:** 07/27/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer failed to investigate a complaint against her for trespassing. The complainant stated the officer at the station failed to investigate further about other issues. Witnesses stated the complainant was in fact trespassing. A reportee signed a Citizen's arrest form against the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/05 **DATE OF COMPLETION:** 07/30/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer spoke inappropriately to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The officer indicated he stood by as complainant finished preparing lunch. Complainant stated he believed officer stayed to insure situation remained calm. Officer made comment to “finish your lunch” as a reassurance to complainant that situation was calm and under control.

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

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

FINDINGS OF FACT: The officer denied the allegation. The investigation revealed the situation the officer was dispatched to is a long running landlord-tenant dispute. A witness stated the officer spoke with both parties officer and abated the situation. 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:06/17/05 **OF COMPLETION:** 07/24/05 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was arrested as a result of driving recklessly and was later discovered to be intoxicated. 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 handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was handcuffed as a procedural matter during the course of an investigation that subsequently led to his arrest. 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:06/17/05 **DATE OF COMPLETION:** 07/24/05 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The officers denied the allegation and stated the complainant was pat searched in the field and later following his arrest was searched again at his booking. 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 # 5: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was issued the citation after he had failed a field sobriety test and a Breathalyzer test. 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:06/17/05 **DATE OF COMPLETION:** 07/24/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS # 6-7: The officers used unnecessary force during the arrest of the complainant.

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

FINDINGS OF FACT: The officers denied the allegation and stated the force used was only enough to gain control of the complainant who was resisting. The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 8: The officer wrote an inaccurate Incident Report.

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

FINDINGS OF FACT: The officer denied the allegation. At issue was the specific direction the complainant's car traveled prior to being stopped. The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:06/20/05 **DATE OF COMPLETION:**07/30/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers' failed to properly investigate the situation.

CATEGORY OF CONDUCT: ND

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The investigation revealed the officers were on an 'A' Priority call involving the robbery at gunpoint of a citizen. The victim took the officers to the complainant's room. The officers made contact with and detained the complainant. After ascertaining he was not the suspect they released him and advised him what the call was about. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #4-6: The officers detained the complainant without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC **DEPT. ACTION:**

FINDINGS OF FACT: The investigation concluded the complainant was detained as a potential suspect in an armed robbery. The complainant became a suspect as a result of the victim leading the officer's to the complainant's room. When the complainant was determined not to have been involved, he was released. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:06/20/05 **DATE OF COMPLETION:** 07/30/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #7-9: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant was handcuffed after he had been detained as a potential suspect in an armed robbery. The officers handcuffed the complainant as a matter of officer safety. When the investigation by the officers determined the complainant was not involved in the crime he was released. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/05 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-3: The officers used inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers did not apologize to her during an investigation at her residence. The officers responded to a complaint of people yelling inside the complainant's residence. The officers investigated and conducted a well-being check on the complainant and her tenants.. The officers were under no obligation to apologize for their actions.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/05 **DATE OF COMPLETION:** 07/30/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The evidence proved that the act by the member was justified by Departmental policy, procedure, or regulation; however, the OCC recommends a change in the particular policy, procedure or regulation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/05 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 **of** 1

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

CATEGORY OF CONDUCT: **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:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant was unable to rationally describe actions within OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to provide to the complainant his name and star number.

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that her employer committed an unwanted touching of her hand to make another person jealous. The complainant summoned the officer who investigated but took no further action. The OCC investigation determined that the complainant's employer's action(s) did not constitute a criminal offense, such that the officer had no affirmative duty to take further police action.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/04 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 1 **of** 2

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

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

FINDINGS OF FACT: The officer and his partner denied the allegation. No other witnesses came forward. The investigation failed to provide sufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant stated that he was arrested and taken to a police station. The officer stated that he wrote the complainant a citation for littering and detained the complainant while a warrant check was conducted. The complainant was provided a Certificate of Release when the officer could not determine that the complainant and the person with the outstanding warrant were the same. There is insufficient evidence to prove or disprove this allegation

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/04 **DATE OF COMPLETION:** 07/19/05 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the officer issued an invalid order when the officer requested the complainant to move and not block the sidewalk. The complainant stated that he was not blocking the sidewalk and that he did comply with the officer's order to move along. The officer and his partner stated that the complainant was blocking the sidewalk and that the complainant was ordered to move pursuant to MPC 22. No other witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officer's used unnecessary force.

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

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

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer improperly drove a police vehicle.

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

FINDINGS OF FACT: The complainant alleged that an officer unlawfully drove a police vehicle, however, she was unable to identify the officer involved. Therefore, the OCC investigation was unable to prove or disprove the allegation without establishing the identity of the officer and having the opportunity to question that officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant was unable to rationally describe actions within OCC jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1-2: The officers made threatening and inappropriate comments to the complainant.

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

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

SUMMARY OF ALLEGATIONS #3-4: The officers 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION # 5-: The officer seized the complainant's property 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 #6: The officer searched the complainant without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #7: The officer searched the complainant's vehicle without permission.

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

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

SUMMARY OF ALLEGATION #8: The officer issued the complainant a citation without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the Department of Parking and Traffic.

Department of Parking and Traffic
505 Seventh Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: This complaint raises matters outside the OCC's jurisdiction. The complainant was referred to and provided a card with complete information on the S.F. Ethics Commission.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the San Francisco Sheriff's Department Internal Affairs Unit.

Lt. Al Kennedy
San Francisco Sheriff's Department Internal Affairs
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the San Francisco Sheriff Department Internal Affairs unit.

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

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/05 **DATE OF COMPLETION:** 07/24/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This allegation raises matters outside O.C.C.'s jurisdiction. This allegation has been referred to San Francisco Sheriff's Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:09/03/04 **DATE OF COMPLETION:**07/31/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-3: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched her unoccupied residence without sufficient probable cause and subject to an invalid search warrant. The officers denied the allegation, stating that their surveillance of a control buy established probable cause that the complainant's residence concealed narcotics. The OCC investigation determined that the officers executed an invalid search warrant because the search warrant was undated and no reasonable officer would therefore rely upon it. Moreover, had the warrant been valid, the officers' search exceeded the scope of that warrant.

SUMMARY OF ALLEGATION #4-6: The officers damaged property and left complainant's residence in disarray.

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

FINDINGS OF FACT: The complainant stated that the officers forcibly entered exterior and interior doors in her home and left her home in complete disarray. The officers denied the allegation, stating that they forced entry of the doors to execute the search warrant and left the home with minimal intrusion. The OCC investigation determined that the officers used a battering ram to forcibly enter the complainant's residence without (1) prior judicial authority and (2) exigent circumstances and could have conducted their search without resorting to such force.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:09/03/04 **DATE OF COMPLETION:** 07/31/05 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #7: The officer seized personal property without cause.

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

FINDINGS OF FACT: The complainant stated that the officer seized her personal property without cause. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8-10: The officers failed to secure the complainant's residence.

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

FINDINGS OF FACT: The complainant stated that the officers left her home open upon the completion of their execution of a search warrant. The officers denied the allegation, stating that the home was secured prior to leaving the premise. The OCC investigation determined that the officers could not have secured the residence without posting an officer until someone returned to the unoccupied residence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/03 **DATE OF COMPLETION:** 07/25/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT:The complainant requested withdrawal of his complaint on 12/28/03.

SUMMARY OF ALLEGATION #2: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant requested withdrawal of his complaint on 12/28/03.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/03 **DATE OF COMPLETION:** 07/25/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer's arrest of the complainant was unjustified.

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

FINDINGS OF FACT:The complainant requested withdrawal of his complaint on 12/28/03.

SUMMARY OF ALLEGATIONS #4: The complainant's handcuffs were too tight.

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

FINDINGS OF FACT: The complainant requested withdrawal of his complaint on 12/28/03.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/03 **DATE OF COMPLETION:** 07/25/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officers used unnecessary force with the complainant during his detention.

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

FINDINGS OF FACT: The complainant requested withdrawal of his complaint on 12/28/03.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:09/10/04 **DATE OF COMPLETION:**07/25/05 **PAGE#** 1 of 2

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

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

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

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

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

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

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/04 **DATE OF COMPLETION:** 07/25/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer confiscated the complainant's skateboard without justification.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/04 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers denied the allegation. The witness officers did not recall the incident. A witness identified by the complainant has refused to participate in the investigation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers denied the allegation. The witness officers did not recall the incident. A witness identified by the complainant has refused to participate in the investigation. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/04 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer rudely interfered with the rights of onlookers.

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

FINDINGS OF FACT: The officers denied the allegation. The witness officers did not recall the incident. A witness identified by the complainant has refused to participate in the investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1,2 : The officers made threatening and inappropriate comments.

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

FINDINGS OF FACT: The named officers denied the allegations. A witness officer who was present at one of the two contacts the named officers had with the complainant stated that he did not recall the incident. Two San Francisco Fire Department employees who responded to the scene at different times said they did not hear any comments by officers. Five witnesses who observed at least part of the contacts said they could not hear the responding officers' words. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3,4: The officers dissuaded an ambulance crew from rendering aid to the complainant.

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

FINDINGS OF FACT: The complainant alleged that one of the named officers told an ambulance crew to go away, that the complainant was not in need of medical help. The named officers denied the allegations. An SFFD employee who responded as part of the ambulance crew stated that the crew was not told to go away, and indeed the crew rendered aid to the complainant. SFFD records confirmed that the first ambulance crew examined and attempted to treat the complainant, but that the complainant signed a document refusing transport to a hospital. The paramedic from a second ambulance crew that responded stated that the crew examined and attempted to treat the complainant, and eventually transported him to a hospital emergency room. SFFD records and medical records confirmed that the complainant was treated that morning. The evidence proved that the acts that provided the basis of the complaint occurred; however, such acts were justified, lawful and proper.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/04 **DATE OF COMPLETION:** 07/09/05 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #5: The officer used profanity toward the complainant.

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

FINDINGS OF FACT: The complainant stated that a single officer used profanity on several occasions. The two officers on the scene denied the allegation. Two paramedics who responded to the scene said they heard no profanity used by officers. Five witnesses who observed the contact said they could not hear officers' words. There were no other witnesses. The investigation failed to disclose sufficient evidence to determine which officer was alleged to have used profanity or to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6,7: The officers failed to provide medical attention to the complainant.

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

FINDINGS OF FACT: The named officers denied the allegations. One named officer said he or his partner called for an ambulance twice, and the other said dispatcher sent an ambulance once and the officers called for a second one. Paramedics called to the scene at different times both said they were called by police, and that they examined and tried to treat the complainant, which was confirmed by SFFD records. One witness recalled seeing paramedics in contact with the complainant. Four other witnesses recalled at least one ambulance responding but did not have clear views or did not recall what paramedics at the scene did for the complainant. The evidence proved that the acts that provided the basis of the allegations did occur; however, such acts were justified, lawful and proper.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #8-10: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: Two named officers denied the allegations, while one named officer said that he did not recall the incident. The officers who recalled the incident said they put the complainant's belongings in a plastic bag and that it was put in the ambulance that transported the complainant. A paramedic and SFFD records indicated that the complainant was transported to a hospital, which reported to the OCC it had secured property matching the complainant's description. The whereabouts of the property was communicated to the complainant by the OCC three weeks after the incident. Security personnel at the hospital stated that a bag of property that was marked with the complainant's name was not retrieved from the hospital in the three months following its discovery in the emergency room. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #11: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the driver of a patrol car with two officers in it stepped on his abdomen and pushed with his foot. The two officers who arrived in a car together denied that either of them used any force on the complainant and did not recall who was driving. A witness officer who department records show responded during one contact did not recall the incident. Five witnesses who saw part of at least one of two police contacts with the complainant said they saw no physical contact between any officer and the complainant, but none saw the entire police contact with the complainant. Two SFFD employees who responded to the scene at different times said they did not see any force used by an officer, but acknowledged that police were present before their arrival. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 4 **of** 4

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

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

FINDINGS OF FACT: The two named officers acknowledged being on the scene of the incident, but denied the allegations, stating that no Incident Report was necessary, as their only role was to call paramedics and stand by as the complainant was treated. They stated further that they were not dispatched to a reported crime, that they did not observe a crime, and that nobody reported a crime to them. Department records show that the officers classified the call as “medic only” and department records contain no report of a crime. Paramedics at the scene stated that they were called by police for a medical evaluation. None of five witnesses who said they saw parts of two police contacts with the complainant referred to any crime. The evidence proved that the acts that formed the basis of the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF OCC-ADDED ALLEGATION #3: The officer failed to report the use of force.

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

FINDINGS OF FACT: The complainant stated that a single officer pushed a foot into his abdomen. The two officers who recalled responding to assist the complainant denied the allegations, stating that because they used no force, no report was necessary. One officer did not recall the incident. Seven witnesses who saw parts of two of the complainant’s contacts with officers reported no use of force; however none stated that he or she saw the entire incident. The investigation did not disclose sufficient evidence to either prove or disprove the allegations.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant withdrew her complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1/2: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers flashed their badges too quickly for him to see the identifying numbers and failed to give their names. The officers denied the allegation, stating that they properly identified themselves when it was requested. A witness to one of the requests did not recall the officer's response. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-7: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that an officer threatened to get a warrant for his arrest. The officer stated that he explained that the complainant was putting himself at risk of arrest if he continued certain behaviors, but denied that he had threatened him as alleged. The complainant stated that other officers also threatened him. Those officers denied making any threats. There were no witnesses. There was insufficient evidence to prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/04 **DATE OF COMPLETION:** 07/09/05 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #8: The officers misused their police authority.

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

FINDINGS OF FACT: The complainant stated that the officers gave to an individual, and to school officials, private information about him that should not have been made public. The officers denied that they had released the specific information alleged by the complainant, and one officer stated that the information he had provided was available to the public. There were no witnesses to corroborate that the officers distributed protected information acquired from non-public sources. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9-10: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was detained without reason. The officers stated that there had been a complaint about him and a request for police assistance. They stated that they detained the complainant while they interviewed the complaining party and determined whether or not a crime had been committed. A witness confirmed that he had called the police about the complainant and asked them to respond. A preponderance of the evidence established that the detention of the complainant was reasonable and justified under the circumstances.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 1 of 10

SUMMARY OF ALLEGATION #1: The Department failed to provide adequate training in response to mental health crisis issues.

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

FINDINGS OF FACT: An individual (hereinafter, “the decedent,”) was shot and killed by San Francisco police officers at a movie theater. Two weeks before his death, the decedent was discharged from the military due to psychiatric problems, including schizophrenia and/or bipolar mood disorder and periods of florid psychosis, hallucinations, paranoia and delusions. The decedent’s girlfriend, the complainant, reported that he was the kind of schizophrenic who received “transmissions,” meaning auditory hallucinations. The decedent had two upcoming appointments scheduled with mental health professionals.

Immediately before his death, the decedent appeared to be decompensating. At home, he piled clothing and other household items in mounds and put lemon pepper and other spices on them. The decedent boiled water with spices and put the water on his things. The decedent complained to the complainant that there were chemicals in the air conditioning at the college where he was a student. The decedent tied shoelaces on his pants at the knees and ankles, wore two watches (one on each wrist), carried a large number of coins including from 300 to a thousand pennies as well as foreign coins, and carried a broken calculator and glass marbles. The complainant reported the decedent was “getting manic,” and that was why they went to the movies that night.

On the night the decedent was killed, he and the complainant went to see the movie “Swordfish.” “Swordfish” is an action movie described by BestPrices.com as “delivering many clever, pulse-pounding action set pieces -- including an incredible opening explosion, a car chase through downtown Los Angeles replete with blazing machine guns, and a spectacular airborne climax . . . [w]ith the help of a propulsive electronica score. . . .” One witness at the theater described the opening movie scene as “when the bomb went off and . . .silver bullets were shooting everywhere.”

Apparently, shortly after this opening scene, the decedent began decompensating. According to numerous accounts, the decedent sat in the farthest rear seat on the right side of the theater and lit a cigarette after the first fifteen or so minutes of the movie. When the decedent began chanting, “The truth is going to come out, no more pretending,” the complainant reported she did not know what he meant. The complainant stated that, before she left the theater, the decedent told her, “Go home and be with your family, they need you,” “Don’t stay here because I don’t want you to get hurt,” and, “I think I might die tonight.” The complainant reported she kissed the decedent goodbye before she left the theater.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE# 2 of 10**

Out of concern for the decedent's words and his actions, the complainant went outside the movie theater and called the decedent's mother. According to the complainant, the decedent's mother advised the complainant to call the police and request that they "5150" the decedent. "5150," short for California Welfare & Institutions Code Section 5150, refers to an involuntary psychiatric observation.

In response to the decedent's cigarette smoking, theater security guards asked the decedent to extinguish the cigarette. Although the decedent did so, he apparently stated he intended to light another. The second guard reported that the decedent said they should come back "with an army," although other witnesses reported hearing the decedent say the security guards should come back "armed." Another witness reported hearing the decedent suggest that any individuals who did not want to get hurt should leave the theater. Accounts differ as to the decedent's tone and manner: Some witnesses reported the decedent spoke calmly, appeared not to have weapons and did not appear to be threatening, while other witnesses reported the decedent was yelling. Some witnesses reported indications that the decedent's compromised mental state was obvious. One witness said he figured the decedent was mentally disturbed, while another witness described the decedent as looking paranoid. Several patrons in the theater apparently decided to leave the theater. Some patrons went into the corridor and spoke with theater personnel while others apparently went down a fire escape stairway. At least one of the latter called 911 on his cell phone, and one of the theater employees also reported calling 911.

Eight SFPD officers responded to the theater building. One officer and his partner remembered receiving a call that there was a person with a knife inside, and then another call that the person had a gun, and then a third call that the weapon was actually a knife; this officer also heard, "preliminary code 4 possibly no merit," meaning no further assistance required, which implied there wasn't really a crisis and the officers should slow down their response.

As four of the officers exited the theater elevator together, they met with the complainant who said she was the one who called 911 and she wanted her boyfriend "5150'ed." Two of the officers reported the complainant told the four officers that her boyfriend did not have a knife or a gun, while one of the officers reported the complainant said her boyfriend had a knife. At that point, one of the officers who reported he heard the complainant say her boyfriend did not have either a knife or a gun called in a "Code 4" on his radio because no further assistance was required. Several of the other responding officers reported they heard the "Code 4," which at least one officer took to mean there was no merit to the call of a person with a knife. Each of the officers stated the complainant told them the decedent's mother wanted the decedent to be "5150'ed" because he was "acting crazy." One officer continued to speak with the complainant after the officers who had been talking to the complainant went toward the theater. The complainant reported she was in the theater lobby telling a uniformed officer that the decedent had a personality disorder when the next thing she knew, she heard gunshots and people were saying that an officer was down.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE# 3 of 10**

Several officers entered the theater, including at least one officer who arrived and went directly into the theater without either speaking with the complainant or being briefed by other officers about the situation. Accounts differ as to whether any civilian witnesses were still in the theater. All of the officers found it was dark and noisy inside of the theater. Theater staff had not paused the projection of the movie nor illuminated the theater with house lights.

Three of the officers reported that when the decedent saw the officers in the theater, he stood up from his seat at the right rear of the theater, threw something on the floor and began walking down the stairs. Accounts differ as to the decedent's actions at this point: officers either reported the decedent was unresponsive with a glazed look on his face or that he immediately began yelling words to the effect of, "Shoot me, kill me."

Two of the officers reported that the officers shined their flashlights at the decedent and immediately began yelling and screaming at him. The officers reported seeing a shiny object; one officer said to the others that the decedent had a knife. Officers yelled words to the effect of, "Drop the weapon!" but the decedent continued to walk down the stairs without doing so. As the decedent walked down the stairs, an officer got behind the decedent and considered disarming him with a tackle. However, another officer warned the officer behind the decedent to get out of the way, so the officer behind the decedent retreated.

Accounts differ as to how the decedent walked down the stairs, with some officers reporting the decedent's walk as "weird" or off-balance, while other officers described the decedent's movements as appearing to be like that of a martial arts stance or a fighting stance. Similarly, accounts differ as to the decedent's movements with the knife. Some officers reported that the decedent raised the knife over his head as he walked, while other officers reported that he slashed it back and forth, while still other officers reported that he swung it overhead in a circle and yet other officers reported that he made a figure-eight with the knife.

One officer reported that he took out his baton and the decedent looked at him so he retreated; this officer reported he then took out his firearm but the decedent ignored him. Three officers reported they used their pepper spray on the decedent but it had no effect on him. One of the officers reported that after the decedent saw all of the officers draw their firearms, the decedent said, "Shoot me. You have to kill me."

The movie continued to play and there was gunfire on the screen. One officer reported that *after* hearing the movie's guns, two other officers began firing their weapons at the decedent. Then another officer fired. An officer who had retreated felt a bullet strike him in the buttock and, as he fell to the floor, thinking decedent had fired at him, fired numerous rounds at the decedent. Accounts differ as to how close the decedent was to the nearest officer when the officers began firing. One officer reported the decedent was so close to him – within 4 - 4 ½ feet and closing in on the officer – that the officer could not fully extend his arm to fire at the decedent; however, this distance is contradicted by the physical evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 4 of 10

At 4 ½ feet or less, one would have expected to find gunshot residue on the decedent's wounds attributable to this officer, yet there was none. Another officer reported that the decedent was about 10 feet away from the nearest officer who shot him; yet by a third officer's account, the decedent was fully 10-15 feet away from the nearest officer and had already passed by this officer when this officer decided to fire at the decedent.

The officer who reported the decedent was 4 ½ feet away from him stated he fired and fired until he ran out of bullets, yet he saw that the decedent was still walking toward him. This officer reported he looked down at his gun and then the decedent fell. All witnesses reported that the decedent was on his feet and then suddenly dropped to the floor.

After the decedent fell to the floor, the officers initiated CPR and continued resuscitation efforts until paramedics arrived and pronounced the decedent dead. Subsequently, the decedent was found to have had a two-inch-long knife on a chain that may have been a key chain.

After the incident, several of the officers were taken to the Hall of Justice to be interviewed. One of the officers reported that at the Hall of Justice, the officers first noticed a cut on the shirt of the officer who had been standing closest to the decedent when the decedent suddenly dropped to the floor. The officer whose shirt was cut did not know how or when his shirt was cut.

According to the June 2002 Criminal Justice/Mental Health Consensus Project Report, an unprecedented, national effort coordinated by the Council of State Governments (CSG), people with mental illness are significantly overrepresented among the segment of the population in contact with police officers and other members of the criminal justice system. Approximately 5 percent of the U.S. population has a serious mental illness. The U.S. Department of Justice reported in 1999, however, that about 16 percent of the population in prison or jail has a serious mental illness. Of the 10 million people booked into U.S. jails in 1997, at least 700,000 had a serious mental illness; approximately three-quarters of those individuals had a co-occurring substance abuse disorder. A study conducted in New York State found that men involved in the public mental health system over a five-year period were four times as likely to be incarcerated as men in the general population; for women, the ratio was six to one.

Law enforcement officers routinely provide first-line response to people with mental illness who are in crisis. These officers must make difficult decisions about the best response, often without complete information about the person and at considerable risk to all parties involved. Determining whether mental illness is a factor in a call for service is an essential first step to providing appropriate police response. Moreover, on-scene expertise in mental illnesses and their manifestations is critical to effective incident management. This expertise can be provided by primary or secondary on-scene responders who are specially trained police officers or mental health professionals.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE# 5 of 10**

In May 2001, just one month prior to this incident, the Department initiated "Police Crisis Intervention Training" courses for SFPD officers. This advanced 40-hour program provides officers with training for dealing with, among other things, police contacts with mentally ill individuals. While officer safety is emphasized in the Department's training on crisis intervention with mentally ill individuals, officers who have had this training are better equipped to plan and organize their responses, assess various degrees of threats, and avail themselves of de-escalation techniques, skills, tools and resources which might help to avoid the use of deadly force. The Department's Crisis Intervention training stresses the importance of having a plan to deal with individuals in mental health crises. None of the officers who responded to this incident had received the Crisis Intervention Training, nor was a Field Training Officer present.

Had the Department properly trained its employees in responding to mental health crisis issues, its members would have been better prepared to deal with each of the factors as they developed in this tragic situation and been able to avoid the lethal outcome. For example, per the Department's own Crisis Intervention Training course, properly trained officers would have designated a primary or secondary on-scene responder who was a specially trained police officer to develop and implement a plan before entering the theater. In this situation, that plan would have involved: (1) assessing the situation and determining whether mental illness was a factor in the incident and whether a serious crime has been committed while ensuring the safety of all involved parties; (2) implementing an appropriate response based on the nature of the incident, the behavior of the person with mental illness, and available resources; and (3) documenting accurately the police actions in the incident to promote accountability and to enhance service delivery. First, in assessing the situation and determining whether mental illness is a factor in the incident and whether a serious crime has been committed while ensuring the safety of all involved parties, a Field Training Officer who had completed the Department's Crisis Intervention training and was designated as the lead officer would have taken some, if not all, of the following steps: (1) designated officers to interview the complainant about why she had called 911; (2) obtained information at the scene from percipient witnesses, several of whom described the decedent's mentally disturbed state as "obvious;" (3) recognized from complainant's interview and from interviewing the percipient witnesses that decedent's current behavior indicated that the decedent's mental illness was a significant factor in the incident; (4) obtained information at the scene from those who were close to the decedent and with his history and are familiar with the situation, including the complainant and the decedent's mother, who was apparently accessible to the complainant by telephone; (5) obtained information from dispatch regarding the decedent's past behavior, including his lack of a significant criminal history and the fact that he was neither on probation nor parole; (6) recognized that before the officers entered the theater, the decedent had committed no other crimes than an infraction of smoking in a public place or a misdemeanor disturbing of the peace; (7) determined whether the decedent may have met the state criteria for emergency evaluation ("5150"), (8) ascertained before entering the theater whether there were others inside the theater and if so, devised a plan which would have taken their safety into account; (9) designated officers to interview members of the theater staff regarding the situation, including obtaining information about the layout

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE# 6 of 10**

SUMMARY OF ALLEGATION #1 continued:

of the theater, while conveying to the theater staff members the need to turn off the movie and turn on the lights; and (10) contacted the Mobile Crisis Treatment Team for assistance.

Second, in implementing an appropriate response based on the nature of the incident, the behavior of the person with mental illness, and available resources, a Field Training Officer who had completed the Department's Crisis Intervention training and was designated as the lead officer would have taken some, if not all, of the following steps: (1) entered the theater either individually or in small groups as opposed to having eight uniformed officers enter the theater en masse; (2) used training, skills and techniques to de-escalate the situation by approaching and interacting with the decedent in a calm, non-threatening manner, while also protecting the safety of all involved, rather than immediately yelling and screaming at him; and (3) given the decedent time to calm down if he was acting erratically, but not directly threatening any other person or himself.

Third, in documenting accurately the police actions in the incident to promote accountability and to enhance service delivery, a Field Training Officer who had completed the Department's Crisis Intervention training and was designated as the lead officer would have taken some, if not all, of the following steps: (1) obtained information related to the decedent's mental illness from the complainant and the decedent's mother; (2) documented the decedent's observable behavior through the chronology of the incident from the perspectives of the complainant, the lay witnesses and the officers and described it accurately in incident reports and supplemental forms; (3) provided information in the incident report and supplemental forms about the decedent's observable conduct from each officer's perspective in order to clarify officers' response choices; and (4) maintained contact with and disseminated information to the complainant and the decedent's mother pursuant to Department rules in a more appropriate and timely manner.

For all of these reasons, the Department is responsible for failing to properly and effectively train these officers by not providing them with the tools, techniques and resources that might have helped the officers to more effectively handle this situation and avert such a tragic loss of life.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 7 of 10

SUMMARY OF ALLEGATION #2-4: The officers used excessive force

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

FINDINGS OF FACT: Before the officers began shooting, three of the officers responded to the situation by using pepper spray in an attempt to subdue the decedent. However, one of the officers reported she was apparently too far away for the pepper spray to make contact with the decedent. The other two officers reported their use of pepper spray apparently had no effect on the decedent. Each of the three officers who used pepper spray reported the decedent was wearing glasses, which they each cited for the reason why the pepper spray apparently had no effect on the decedent. However, there are several factual disputes as to whether a threat actually existed at the moment when the officers used pepper spray and, if so, what the level of that threat was. The officers gave inconsistent descriptions of the threat level. Accounts differ as to what the decedent was doing and how close the decedent was to the nearest officer when the officers began using their pepper spray. As noted above, at the time of the incident, the officers lacked the proper training in Crisis Intervention. Therefore, for all the reasons stated above, there is insufficient evidence to determine whether the untrained officers could have done anything else in this situation to (1) avail themselves of the proper tools, techniques and skills to de-escalate the situation, and (2) avoid contributing to the necessity of using non-deadly force.

SUMMARY OF ALLEGATION #5-8: The officers used excessive force.

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

FINDINGS OF FACT: The co-complainant stated, "The use of deadly force in this situation was excessive and unwarranted." However, there are several factual disputes as to whether a threat actually existed at the moment when the officers used deadly force. The officers gave inconsistent descriptions of the threat level. Both the physical evidence and their own contradictory statements dispute the reasonableness of the officers' descriptions of the threat they encountered. Accounts differ as to what the decedent was doing and how close the decedent was to the nearest officer when the officers began firing. One officer reported he began shooting at the decedent when the decedent was within 4 - 4 ½ feet and closing in on the officer; however, at a distance of 4 ½ feet or less, one would have expected to find gunshot residue on the decedent's wounds attributable to this officer, yet there was none. Another officer reported that the decedent was about 10 feet away from the nearest officer who shot him; yet by a third officer's account, the decedent was fully 10-15 feet away from the nearest officer and had already passed by this officer when this officer fired at the decedent, which calls into question why this officer and other

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 8 of 10

SUMMARY OF ALLEGATION #5-8 continued:

officers decided to fire at the decedent. Furthermore, at the time of the incident, the officers lacked the proper training in Crisis Intervention that would have given them the tools they needed to properly assess and intervene in the threat. Therefore, for all the reasons stated above, there is insufficient evidence to determine whether the untrained officers could have done anything else in this situation to (1) avail themselves of the proper tools, techniques and skills to de-escalate the situation, and (2) avoid contributing to the necessity of using deadly force.

SUMMARY OF ALLEGATION #9: The officers failed to provide a prompt and appropriate medical and mental health response.

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

FINDINGS OF FACT: The co-complainant alleged that the officers should have performed a “5150” detention and have the decedent hospitalized for psychiatric evaluation. The complainant stated that she told the officers that the decedent’s mother had asked her to tell the officers to “5150” the decedent. Again, at the time of the incident, the officers lacked the proper training in Crisis Intervention; therefore, for all the reasons stated above, there is insufficient evidence to determine whether the untrained officers could have done anything else in this situation to (1) avail themselves of the proper tools, techniques and skills to de-escalate the situation, and (2) avoid contributing to the necessity of using non-deadly force.

SUMMARY OF ALLEGATIONS #10: The officer(s) detained complainant without justification.

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

FINDINGS OF FACT: The complainant alleged immediately after the shooting, she was detained by police officers, placed in a parked police car and was taken to Southern Station, where she was detained for several hours until she was interrogated by Homicide inspectors. The co-complainant alleged that the complainant and the decedent’s mother were “interrogated for several hours each” and asked inappropriate questions. One of the sergeants responding to the shooting reported that at about 23:40, “in an attempt to locate witnesses,” he spoke with the complainant and ordered another officer to take the complainant to a parked patrol car and to “wait for further instructions.” The other officer reported he responded to the sergeant’s order and “took custody” of the complainant from the sergeant and placed her in his patrol car.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 9 of 10
SUMMARY OF ALLEGATION #10 continued:

This officer reported he later transported the complainant “while in my custody” to Southern Station where she was subsequently interviewed by Homicide inspectors. When the complainant was taken into custody by a police sergeant and escorted to a parked police car by another police officer, forced to “wait for further instructions” in a parked police car and subsequently transported to Southern Station, where she was questioned, she was not free to leave. Subsequently, the Homicide inspectors began interviewing the complainant at about 1:30 and the interview lasted about 30 minutes. At no point during the tape-recorded interview was the complainant told she was free to leave. A review of the CAD report shows a supervising officer twice ordered other officers to have all witnesses transported to Southern Station, in violation of the Fourth Amendment. The Department should develop a policy prohibiting officers from detaining witnesses without their consent and ensure that all officers are adequately trained regarding Fourth Amendment rights of witnesses and onlookers. In addition, the Department should develop and implement a consent form which could be given to witnesses to explain the witnesses’ rights to refuse to be detained and interviewed and requesting the witness’ consent to be interviewed.

SUMMARY OF ALLEGATION #11: The officer(s) detained other individuals without justification.

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

FINDINGS OF FACT: The complainant and co-complainant stated that an African-American male adult was detained in handcuffs at the scene. However, the OCC investigation was unable to establish whether anyone else was detained at the scene. Moreover, when specifically questioned about this issue, a civilian witness – the on-duty theater manager – stated none of the officers detained anyone in handcuffs the night of the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officers spoke and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that when she was first approached by the officers, they behaved in an exasperated and impatient manner, asked her why she had reported that her boyfriend had a gun if he did not, and generally seemed to be not listening to her. The investigation showed that four officers contacted the complainant after they exited the theater elevator; however, the investigation was unable to establish the identity of which of the

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 10 of 10
SUMMARY OF ALLEGATION #12 continued:

four officers acted inappropriately, if any. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The Department failed to communicate and provide information to the complainant and the decedent's family in a timely manner.

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

FINDINGS OF FACT: The complainant and co-complainant stated that the Department withheld information from the family, such as an incident report, witness information, and a complete death certificate. One specific example of how the Department withheld information from the complainant is demonstrated by the fact that the decedent was pronounced dead at the scene at about the same time that the complainant was taken into custody. However, over two hours later, while the Homicide inspectors were conducting their tape-recorded interview with the complainant, the interview was interrupted by a cell phone call by the decedent's mother to the complainant, at which time the complainant first learned -- from the decedent's mother -- that the decedent was dead. The Department has been working on this issue and must continue to improve policies and procedures for disclosing information to families and the public in officer-involved shooting and death in custody incidents.

SUMMARY OF ALLEGATION #14: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that one of the officers uttered a profanity at the scene. The identity of the officer alleged to have uttered the profanity was never determined. The officers involved in this incident denied using any profanity. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 1 of 2

OCC-ADDED ALLEGATIONS

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer(s) failed to issue a certificate of release.

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

FINDINGS OF FACT: As explained above, immediately after the shooting, a sergeant looking for witnesses found the complainant and ordered an officer to detain her, escort her to a patrol car, and wait for further instructions on what to do with her. The officer followed the sergeant's orders. Subsequently, the officer transported the complainant in a police car to Southern Station, where Homicide inspectors interviewed her. As a result, the complainant was detained and was not free to leave for over two hours. However, the complainant was never issued a Certificate of Release. As explained above, the Department should develop a policy prohibiting officers from detaining witnesses without their consent and should develop and implement a consent form which could be given to witnesses in situations like this which explain to the witnesses that they are free to leave and that the Department is asking for their consent to be interviewed. Moreover, the Department should institute a policy to ensure that witnesses are given a certificate of release to ensure the witness understands that he or she is no longer in custody and is free to leave.

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to write a complete and accurate incident report.

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

FINDINGS OF FACT: An examination of the incident report established that the report does not include all the pertinent available details and statements and appears to be incomplete – including, for example, failing to list the knife as evidence seized. Moreover, the incident report makes no mention of the fact that any of the officers discharged their weapons at the scene. Additionally, the officer admitted he spoke with several people at the scene – including theater employees, coroner's personnel and police officers – but he never talked to the complainant. Although the officer who wrote the report stated he was asked by another sergeant to prepare the incident report, that does not excuse the fact that the incident report in this case could not be characterized as accurate, objective or complete without (1) documenting that the suspect's recovered weapon as evidence, (2) documenting the fact that several officers had discharged their weapons, and (3) locating and interviewing the complainant. The SFPD Report Writing Manual (1995) states, in pertinent part, "Incident reports are among the most important documents used within the criminal justice system. An accurate and objective account of an incident, and clear description of the

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/01 **DATE OF COMPLETION:** 07/22/05 **PAGE#** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATION #2 continued:

officer's preliminary investigation are key to a complete incident report, which is the foundation on which investigators and the District Attorney must base their prosecution." However, the Department has not adequately delineated the responsibilities of the officer writing an incident report in an officer involved shooting situation in which inspectors from the Homicide Unit are also involved in the investigation of the incident. Therefore, the Department should establish a policy to clarify the role of the officer writing an incident report – who may or may not have access to the same information as the members of the Homicide Unit – in writing a true, accurate and complete incident report with all available details and statements.

SUMMARY OF OCC-ADDED ALLEGATION #3: The Department failed to have a supervisor present during a mental health crisis.

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

FINDINGS OF FACT: There was no supervisor present when the shooting occurred. SFPD's "Police Crisis Intervention Training" stresses the importance of designating one officer as the lead officer in a mental-health crisis incident, and particularly emphasizes the role of the Field Training Officer. None of the officers who responded to this incident had the Crisis Intervention training, nor was there a FTO present.

OCC-ADDED ALLEGATIONS

SUMMARY OF OCC-ADDED ALLEGATION #4-7: The officers discharged their weapons in an unsafe manner.

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

FINDINGS OF FACT: During this incident, one officer's bullet struck and injured another officer. Accounts differ as to where the injured officer was standing in the darkened theater when he was shot and whether he was in an area where other officers may not have been able to see him. The injured officer, believing that the decedent had fired in his direction, fired his weapon in the general direction of the other officers. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/04 **DATE OF COMPLETION:** 07/19/05 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that there was no request for an Incident Report. The officer's account is bolstered by two fellow officers and the other involved party.

SUMMARY OF ALLEGATION #2: The officer failed to accept a citizen arrest.

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

FINDINGS OF FACT: The officer denied the allegation stating that there was no request for a citizen arrest. The officer's statement is bolstered by two fellow officers and the other involved party.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/04 **DATE OF COMPLETION:** 07/31/05 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer failed to thoroughly, impartially and accurately investigate the incident.

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses denied observing any impartiality or inaccuracy or lack of thoroughness in the officer's investigation. Not all witnesses responded to the OCC's request for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses denied observing or hearing any inappropriate behavior or language by the officer. Not all witnesses responded to the OCC's request for an interview. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/04 **DATE OF COMPLETION:** 07/31/05 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #3: The officer failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The complainant contradicted herself in separate interviews as to whether or not she requested a citizen's arrest stating in one interview that she did not ask the officer to make an arrest. The officer said that the complainant requested a citizen's arrest, but refused to sign the form and later changed her mind.

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The officer had no recollection of the telephone conversation with the complainant. The complainant's comment to the officer regarding filing a complaint was in the form of a question not a request. There were no identified witnesses to the phone conversation. There is a dispute of fact therefore a definitive finding cannot be reached.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/04 **DATE OF COMPLETION:** 07/31/05 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer failed to maintain required knowledge.

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

FINDINGS OF FACT: The officer had no recollection of the telephone conversation with the complainant. There were no identified witnesses to the phone conversation. There is an inconclusive dispute of fact therefore a definitive finding cannot be reached.

SUMMARY OF ALLEGATION #6: The officer failed to prepare a complete and accurate Incident Report.

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

FINDINGS OF FACT: The officer stood by the complete and accuracy of his report. Witnesses interviewed by the OCC provided statements which were consistent with statements in the officer's report. Not all identified witness were available to provide the OCC with a statement. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/04 **DATE OF COMPLETION:** 07/31/05 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated that an unidentified officer contacted her health care provider and asked inappropriate questions. The officers involved in this incident all denied making the alleged contact. The OCC was unable to identify which, if any, officer made the alleged contact. The health care provider in question did not come forward with a statement. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer misrepresented the truth.

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

FINDINGS OF FACT: The officer denied the allegation. Not all identified witnesses were available to provide the OCC with a statement. There is insufficient evidence to prove or disprove the allegation.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/04 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers unlawfully entered private property without a warrant.

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

FINDINGS OF FACT : The complainant alleged that the officers improperly entered a church. The officers entered a dining hall in the church building during a community meal service that was open to the public. Since the property was open to all at the time of the incident, no warrant was required for entry. The entry was proper.

SUMMARY OF ALLEGATIONS #3-4: The officers misused their authority.

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

FINDINGS OF FACT : The complainant stated that the officers misused their authority when she asked them to remain outside a church dining facility. The officers disregarded her request and entered the premises. A civilian witness allegedly accompanied the officers. The officers denied the allegation, claiming they were in “fresh” pursuit of a felony suspect. The doctrine of hot pursuit does not apply. The Office of Citizen Complaints was unable to interview the witness named by the officers. The additional witness did not respond to Office of Citizen Complaint’s attempt to contact her.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/04 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT : The complainant did not overhear the officers speaking to the witness in an inappropriate manner and was unable to identify which officer or officers made the alleged comments. The witnesses did not respond to the Office of Citizen Complaints requests to be interviewed. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT :

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/04 **DATE OF COMPLETION:** 09/07/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied making inappropriate comments during a 1997 telephone conversation with the complainant. There were witnesses to this conversation. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the Department provided inaccurate information about the complainant to a national reporting agency. The investigation revealed that the information was based on facts in evidence; however, the Office of Citizen Complaints was not authorized to receive any information about the complainant from the national reporting agency and could not confirm what specific information the San Francisco Police Department provided to the national reporting agency. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/04 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The officer denied the allegation. No other witnesses came forward. The investigation failed to provide sufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The officer stated that he had probable cause to stop the vehicle based on the expired registration. The officer stated that he cited the complainant for the expired registration and the suspended license that was determined after the vehicle was stopped. The evidence proved that the alleged act providing the basis for the allegation occurred, however said act was lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/04 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The officer stated that the complainant had a suspended driver's license. Pursuant to CVC 12500 A, the officer towed the vehicle because the complainant had an invalid license. The evidence proved that the act, which provided the basis for the allegation occurred, however, said act was lawful and proper.

SUMMARY OF ALLEGATION #4: The officer's traffic stop was racially motivated.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated that he had probable cause to stop the vehicle because the registration was expired. The complainant stated that the registration was expired, however she was in the process of registering the vehicle. There is no evidence that supports the allegation. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/04 **DATE OF COMPLETION:** 07/26/05 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was immediately handcuffed prior to being told he was under arrest. The officers said the complainant was seen in a hand-to-hand narcotics transaction and was immediately arrested. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATIONS #2: The officer pat searched the complainant without justification.

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

FINDINGS OF FACT: The officer stated he pat searched the complainant for weapons and officer safety while detaining him for further investigation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/04 **DATE OF COMPLETION:** 07/26/05 **PAGE# 2 of 4**

SUMMARY OF ALLEGATIONS # 3: The officers planted narcotics in the complainant's belongings.

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

FINDINGS OF FACT: The complainant stated he gave the officers consent to search his duffle bag and said officers planted marijuana in it. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATIONS #4-5: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant denied dealing drugs and said the marijuana was not his and the money was to pay back a friend who lent him money. The officers stated they observed the complainant in a hand to hand narcotics transaction. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/04 **DATE OF COMPLETION:** 07/26/05 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #6-7: The officer behaved inappropriately towards the complainant.

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

FINDINGS OF FACT: The complainant stated the officers rushed him into signing the property receipt for his money without having listed the amounts. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATIONS # 8-9: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated he had more money when he was arrested than was listed on the receipt. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/04 **DATE OF COMPLETION:** 07/26/05 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #10: The officer failed to release the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officer refused to release his money and that he was not served with Notice of Seizure and Initiation of Non-judicial Forfeiture proceedings. The officer stated the District Attorney placed a hold on the complainant's money and subsequently released the money to the complainant. Department records indicate the money was released shortly after this complaint was filed.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/04 **DATE OF COMPLETION:** 07/09/05 **PAGE** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was standing in front of a retail establishment, talking on his cellular telephone and waiting for someone when members of the San Francisco Police Department detained him unjustifiably. The officers stated that they detained the complainant because he was standing in a high crime area, matched a vague description of alleged suspects of crimes in that area, and walked away twice after seeing them. None of the officers' explanations equated to reasonable suspicion to justify the complainant's detention, as he was not engaged in criminal activity. The allegation is sustained.

SUMMARY OF ALLEGATION # 3: The officers requested the complainant's identification without justification.

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

FINDINGS OF FACT: The complainant stated that he was standing in front of a retail establishment, talking on his cellular telephone and waiting for someone when members of the San Francisco Police Department detained him unjustifiably. One officer requested his identification. The officers stated that they detained the complainant because he was standing in a high crime area, matched a vague description of alleged suspects of crimes in that area, and walked away twice after seeing them. None of the officers' explanations equated to reasonable suspicion to justify the complainant's detention, as he was not engaged in criminal activity. Therefore, making a request for identification is also unjustified. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/04 **DATE OF COMPLETION:** 07/09/05 **PAGE 2 of 2**

SUMMARY OF ALLEGATION # 4-5: The officers used unnecessary force upon the complainant.

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

FINDINGS OF FACT: The complainant stated that he was standing in front of a retail establishment, talking on his cellular telephone and waiting for someone when members of the San Francisco Police Department detained him unjustifiably. After lawfully refusing the officer's requests for the complainant's identification, the officers stated that the complainant made a furtive gesture. The officers both grabbed one of the complainant's arms and applied a bent wristlock control hold. Because the complainant's detention was unjustified, any application of force is also inappropriate and unnecessary. Therefore, the allegation is sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/04 **DATE OF COMPLETION:** 07/30/05 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The named officers stated that they entered the complainant's residence because a psychiatric unit asked for police assistance in apprehending the complainant. The Communications records showed that psychiatric personnel indeed requested the officers to enter the complainant's residence and to detain him for involuntary psychiatric evaluation because he locked his parents out and barricaded himself inside the house. The complainant refused the OCC's request to interview his parents, who were present during the occurrence. Given the circumstances of this incident, the officers' decision to enter the complainant's residence was justified and proper.

SUMMARY OF ALLEGATIONS #4-8: The officers detained and transported the complainant for involuntary psychiatric evaluation without cause.

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

FINDINGS OF FACT: The named members stated that they detained the complainant and transported him to the San Francisco General Hospital for involuntary psychiatric evaluation on request from psychiatric personnel. The Communications records corroborated the officers' statements. Given the circumstances of this incident, the officers' actions were proper.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/04 **DATE OF COMPLETION:** 07/30/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #9: The officer damaged the complainant's door without justification.

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information in regards to this aspect of the incident.

SUMMARY OF ALLEGATION #10: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information in regards to this aspect of the incident.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/04 **DATE OF COMPLETION:** 07/30/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #11: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information in regards to this aspect of the incident.

OCC ADDED ALLEGATION:

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

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

FINDINGS OF FACT: The officer acknowledged that he did not write an Incident Report concerning his contact with the complainant because, based on his understanding of the Department Policy regarding psychologically distressed individuals, no such report was required. The OCC found however that the Department Policy on Psychological Evaluation of Adults, in fact, requires officers to document their contacts with such persons in the incident reports. The allegation is sustained.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/04 **DATE OF COMPLETION:** 07/12/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The officers denied this allegation. There were no witnesses.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officers stated that, after making eye contact with the complainant, they saw him boarding a bus and detained the complainant. The officers stated that the complainant closely matched the description of a suspect in a bank robbery that had just occurred in that area. However, the complainant did not match the descriptions of the suspect broadcast by dispatch. The only commonality was that the suspect, like the complainant, was a clean looking African American with a dark complexion. The officers were unable to articulate the reasonable suspicion required to detain a citizen.

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

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

FINDINGS OF FACT: The officer s did not have reasonable suspicion to detain the complainant and therefore had no probable to subsequently search the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4-5: The officers failed to issue the complainant a Certificate of Release.

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

FINDINGS OF FACT: Under current General Orders, the officers were not required to issue a Certificate of Release. This office will be forwarding to the Department a policy recommendation regarding the issuance of Certificates of Release.

SUMMARY OF ALLEGATIONS #6-7: The officers behaved inappropriately.

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

FINDINGS OF FACT: The officers denied acting inappropriately. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/04 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #8-9: The officers employed selective enforcement.

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

FINDINGS OF FACT: The officers denied detaining the complainant solely because of his race. They stated that the complainant partially matched the description of a bank robbery suspect who may have been in the area. Department record show that the officers were searching for a suspect whose description vaguely matched that of the complainant's. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/03 **DATE OF COMPLETION:** 12/30/03 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT:

The complainant requested withdrawal of his complaint on 12/28/03.

SUMMARY OF ALLEGATION #2: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT:

The complainant requested withdrawal of his complaint on 12/28/03.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/03 **DATE OF COMPLETION:** 12/30/03 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer's arrest of the complainant was unjustified.

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

FINDINGS OF FACT:

The complainant requested withdrawal of his complaint on 12/28/03.

SUMMARY OF ALLEGATIONS #4: The complainant's handcuffs were too tight.

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

FINDINGS OF FACT:

The complainant requested withdrawal of his complaint on 12/28/03.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/03 **DATE OF COMPLETION:** 12/30/03 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officers used unnecessary force with the complainant during his detention.

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

FINDINGS OF FACT: The complainant requested withdrawal of his complaint on 12/28/03.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The officers denied the allegation. The officer's partner denied that the named member made the statement that was attributed to him. There were no other witnesses.

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

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

FINDINGS OF FACT: The complainant was cited for not having current registration. The citation was lawful and proper.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/05 **DATE OF COMPLETION:** 07/29/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant's vehicle was cited for not having current registration and in violation of CVC section 4000(a). The towing of the vehicle was lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/12/05 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer' s demeanor was threatening and profane.

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

FINDINGS OF FACT: The officer denied the allegation and there are no known witnesses. There is insufficient evidence to either prove, or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation and there are no known witnesses. There is insufficient evidence to either prove, or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/12/05 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: There is no dispute that the complainant committed the violation for which he was cited. The citation 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: 01/10/05 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers denied the allegation and there are no witnesses. There is insufficient evidence to either prove, or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/05 **DATE OF COMPLETION:** 07/09/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers' remarks were rude and intimidating to the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/05 **DATE OF COMPLETION:** 07/19/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: There is no dispute that the complainant committed the violation that she was cited for. The citation was proper and lawful.

SUMMARY OF ALLEGATION #2: The officers manner was intimidating.

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

FINDINGS OF FACT: The officer denied the allegation there are no known witnesses. There is insufficient evidence to either prove or disprove this allegation.