

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/07 **DATE OF COMPLETION:** 07/17/07 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION # 1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity while talking to him. The officer denied the allegation. There were no witnesses to the conversation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer spoke to him angrily and provided incorrect information regarding the validity of the temporary no stopping signs. The officer denied the allegations. There were no witnesses to the conversation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the location of the temporary no stopping sign, did not apply to the parking space where he parked his van. Conversely, the officer stated the sign did apply to the complainant's van because it was adjacent to the complainant's vehicle. DPT dismissed the citation. The address of record on the Street Space Permit Summary, provided by DPT, differed from the address on the citation. However, because the signs at the location display no specific address for which they are valid, are moveable and not fixed, the officer would have no way of knowing the signs were invalid at the location where they were placed. There were no witnesses to confirm the exact positioning of the sign at the time the citation was issued to the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated during his OCC interview and on his complaint form that he was argumentative and swearing at the officer at the onset of their contact. The officer confirmed this fact as well. The officer was alone, the complainant had not been searched for weapons and the officer feared for his personal safety based on the complainant's demeanor. The investigative detention was reasonable under those circumstances. The evidence proved that the acts, which provided for the basis of the allegations occurred, however, such acts were justified lawful and proper

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SUMMARY OF ALLEGATION #5: The officer used tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant said the officer hyper extended his thumb after placing him in handcuffs and he informed the officer that he was hurting him. The officer denied the allegation. There were no witnesses to the complainant being handcuffed. Based on the complainant's demeanor and the officer's fear for his personal safety, placing the complainant in handcuffs while waiting for back up units to respond, was reasonable. The evidence proved that the acts, which provided for the basis of the allegations occurred, however, such acts were justified lawful and proper

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

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

FINDINGS OF FACT: The officer admittedly used the bent wrist hold technique to safely and securely guide the complainant from the lane of traffic he was standing in (upon being handcuffed) to the curb and ultimately the rear of the officer's patrol car. This action was appropriate and reasonable for the circumstances. The evidence proved that the acts, which provided for the basis of the allegations occurred, however, such acts were justified lawful and proper

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to provide prompt and appropriate medical attention.

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

FINDINGS OF FACT: The complainants stated one of them was injured and an ambulance was requested of the officers at the scene. The officers stated there were no visible injuries and none of the parties at the scene requested any medical attention. A witness at the scene stated there were no visible injuries and did not hear a request for an ambulance. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainants stated the officers did not write a traffic collision report regarding the incident. The officers stated the incident was determined to be a non-injury accident. SFPD documents indicated a Traffic Information Card was completed and copies of the form were given to the parties involved at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainants stated the officers did not properly investigate the traffic accident. The complainants stated the officers should have interviewed witnesses at the scene. The officers stated they interviewed the complainants and the other parties at the scene. The witnesses stated they were not present during the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #7-8: The officers failed to issue a citation to the other driver.

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

FINDINGS OF FACT: The complainants stated the other driver failed to stop at a stop sign and should have been cited by the officers at the scene. The officers stated a citation was not issued due to any independent witnesses at the scene. The witness who drove the cab stated he had the right of way and had stopped at the stop sign at the intersection. There were no witnesses that witnessed the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #9: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer told her the other driver should not be cited, because he will lose time from work. The officer stated he did not make an inappropriate comment regarding the citation with the other driver. There were no witnesses to the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: NA **FINDING:** IO(2) **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation stating he never entered the complainant's residence with or without a search warrant. Department records indicated the only time the officer responded to the complainant's residence was on April 16, 2007 regarding a fight. Employee Work History data indicated the officer was in court on February 14, 2007. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he did not have contact with the complainant. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to provide name/or star number.

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

FINDINGS OF FACT: The officer denied the allegation. The officer denied having contact with the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant was detained for suspicion of possession of heroin. The officers stated that a confidential informant informed them that a woman with the complainant's name, age, race and vehicle was going to deliver heroin to a certain area. The complainant arrived at the expected time and place and informed the officers she was on probation for a felony drug offense. The complainant was detained for further investigation of possible possession of narcotics for sale. The detention was justified.

SUMMARY OF ALLEGATION #6: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant was on probation at the time of her detention. Her vehicle was searched based on reasonable suspicion that she was in possession of illegal narcotics. The officer's conduct was proper.

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SUMMARY OF ALLEGATIONS #7-8: The officers caused the complainant to be strip-searched without cause.

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

FINDINGS OF FACT: The senior officer stated she approved the complainant's strip-search based on the totality of the following circumstances: 1) A confidential informant identified the complainant as an individual who was delivering heroin; 2) the complainant was on probation for a felony narcotics offense; 3) marijuana was found in her vehicle; and 4) persons who take part in narcotics sales often secrete narcotics on their person, in and about their genital and rectal areas. The officers' conduct was proper.

SUMMARY OF ALLEGATION #9: The officer caused the complainant to undergo a body cavity search.

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

FINDINGS OF FACT: The officer denied that the complainant was subjected to a body cavity search. The complainant's medical records confirmed that the complainant was not subjected to a body cavity search. The allegation is unfounded.

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SUMMARY OF ALLEGATION #10: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant's vehicle was towed pursuant to her arrest. The officer's conduct was proper.

SUMMARY OF ALLEGATION #11: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested and charged with possession of heroin for sale and destruction of evidence. The complainant stated she was on probation for a felony narcotics offense. The complainant stated she is on SSI and does not work but was in possession of over \$3,000 in cash at the time of her arrest. A female officer stated that while she was conducting a strip search of the complainant, she saw what appeared to be a bag of black tar heroin protruding from the complainant's buttocks. The female officer stated that when she ordered the complainant to remove the bag of heroin, the complainant became verbally abusive and shoved the bag further into her anus. The arresting officer stated a confidential informant informed him that the complainant was going to deliver heroin at a certain location at a certain time. The complainant arrived at the stated location at the stated time. The arresting officer stated the complainant told him she had one bag of heroin in her rectum. The officer's conduct was proper.

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SUMMARY OF ALLEGATIONS #12-13: The officers seized the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant's cash and marijuana were seized pursuant to the complainant's arrest. The complainant's cash was returned to her one day after she made this complaint. The officers' conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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(AMENDED)**

DATE OF COMPLAINT: 03/07/07 **DATE OF COMPLETION:** 07/02/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers issued citations without cause.

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

FINDINGS OF FACT: The complainant stated the officers issued him citations on two different occasions without cause. The complainant was cited for violating Vehicle Code section 22522, parking a vehicle within three feet of a wheel chair access ramp that is designated by either a sign or red paint. The investigation revealed that the area where complainant's vehicle was parked was not designated by either a sign or red paint as required under the statute; the Department of Parking and Traffic dismissed these citations. However, if the vehicle had been within three feet of the access ramp, an officer could have properly cited for violating Vehicle Code section 22500 (1) that does not require the posting of a sign or red paint. The Office of Citizen Complaints recommends that the Department issue a Bulletin and provide roll call training that alerts officers as to the correct Vehicle Code section to use when enforcing parking violations at wheelchair access ramps. The Office of Citizen Complaints also recommends that the Department revise the standard San Francisco Police Department citation form to include the correct violation for parking at a wheelchair access ramp (VC 22500 (1)).

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #2: The officer displayed a firearm without justification.

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

FINDINGS OF FACT: The officer denied upholstering his firearm. There were no identified witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer said he had responded to the location regarding a fight and detained the complainant for investigation. During his contact with the complainant the officer determined that the complainant was intoxicated and so detained him for public intoxication. The complainant admittedly had been drinking but denied that he was drunk. There were no identified witnesses. The evidence surrounding the complainant's detention is inconsistent and uncorroborated therefore a definitive finding cannot be reached.

SUMMARY OF ALLEGATION #4: The officer conducted himself in an inappropriate manner.

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

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

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

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

FINDINGS OF FACT: There was insufficient information to identify the unknown officers.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer misrepresented the truth about him having an outstanding warrant in Oakland. The officer submitted documentation that the complainant still has an outstanding out of county warrant. The conduct alleged do not represent misconduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

Social Security Administration
1098 Valencia St.
San Francisco, CA 94110

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was arrested pursuant to a valid warrant. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force at the district station.

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

FINDINGS OF FACT: The complainant provided inconsistent information regarding this incident. According to his Youth Guidance Center medical records, the complainant told the nurse he was assaulted before he went to the police station. The complainant did not tell the nurse he was assaulted by the police. One officer stated he employed a passive resistor control and a bent wristlock when the complainant was spitting on the floor and when the complainant tried to pull away from the officer while the officer was escorting him to be fingerprinted. Both officers stated the complainant threatened the officer, cursed at him and called him racist and homophobic slurs. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant's boyfriend has a warrantless search condition as part of his probation that is valid until September 13, 2008. The complainant's boyfriend provided the complainant's address as his own to members of the San Francisco Police Department on several occasions. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #4-6: The officers engaged in inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant alleged that officers planted evidence in her home in an attempt to frame her boyfriend and engaged in inappropriate behavior and comments. The complainant received this information from a neighbor who supposedly witnessed these events. This witness refused to come forward to be interviewed to corroborate the complainant's allegation. Review of the Incident Report related to the search makes no mention of a gun being found in the complainant's home. The officers denied participating in any of the alleged actions. There is insufficient evidence to either prove or disprove the allegation

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SUMMARY OF ALLEGATION #7: The officer unlawfully obtained and/or seized the key to the complainant's residence.

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

FINDINGS OF FACT: The officer requested the key to the complainant's residence from the complainant's apartment manager. The apartment manager was interviewed by Office Of Citizen Complaints who admitted voluntarily giving the complainant's key to the requesting officer once he had been shown the appropriate documentation by the requesting officer. There was nothing unlawful about how the key was obtained. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers used profanity while speaking to the complainant.

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

FINDINGS OF FACT: The officers denied the allegation and there were no witnesses. There is insufficient evidence to either prove or disprove the allegation in the complaint.

SUMMARY OF ALLEGATION #3: The officer made inappropriate comments and used intimidating behavior.

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

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

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SUMMARY OF ALLEGATION #4: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The officer called for an ambulance as soon as the complainant stated he was having medical problems. An ambulance responded and transported the complainant to the hospital. The evidence proved that the acts which provided the basis of the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer detained the complainant and issued her a traffic citation because her vehicle had a defective taillight. According to DGO 9.01 (3), the officer would have been derelict in his duties had he failed to issue the citation. 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 behaved inappropriately.

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

FINDINGS OF FACT: The officer admitted he had not observed the defective taillight prior to his erratic driving and positioning himself behind the complainant's vehicle. The officer stated his reason for driving in the manner in which he did and positioning his police car behind the complainant's vehicle, was to check on her well-being because she blew her horn at him. The officer admitted once he effected the traffic stop and made contact with the complainant, he never asked her why she blew her vehicle horn or if she was in distress. This invalidates the officer's contention that his erratic driving was part of conducting an investigation into the complainant's well-being. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT : The complainant stated that the officer engaged in a pattern of harassment over a period of time. There were no witnesses. The officer denied the allegation. 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 :

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

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

FINDINGS OF FACT: The officer stated he cited the complainant because of the loud music blaring from the complainant's vehicle as it passed the officer, at least fifty feet away. The officer stated there was no one in the car with the complainant. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer denied engaging in selective enforcement. The officer stated he did not know the race of the driver until he approached the driver's window. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The behavior and comments made by the officer did not rise to the level of misconduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers had sufficient evidence to take the action that they did. A witness corroborated the officers observations which led to the detention. The conduct of the officers was proper.

OCC ADDED ALLEGATION

SUMMARY OF ALLEGATIONS 1-2:The officers failed to take the required action.

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

FINDINGS OF FACT: The officers admitted that they should have, but failed to prepare an Incident Report and or failed to prepare said report in a timely manner. Department General Orders require officers to prepare Incident Reports in instances such as the one presented in this case and that said reports be filed at the end of an officer shift. The officers omissions were in violation of the Department Orders.

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SUMMARY OF ALLEGATION #1-3: The officers used excessive force against the complainant at the police station.

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

FINDINGS OF FACT: The officers denied the allegation. There are no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4-6: The officers' demeanor was threatening and intimidating at the police station.

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

FINDINGS OF FACT: The officers denied the allegation. There are no witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #7-8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: There is no dispute that the complainant was under the influence of drugs and or alcohol and acting belligerently on a public street when he was arrested and booked. Based on the complainant's behavior, the officers would have been derelict in their duties if they had not arrested 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: 04/18/07 **DATE OF COMPLETION:** 07/02/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1/2: The officers issued citations without cause.

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

FINDINGS OF FACT: The complainant said the officers issued him citations on two different occasions without cause. The complainant admitted the violations. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #1:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/07 **DATE OF COMPLETION:** 07/10/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved in an inappropriate manner and made inappropriate comments. The officer stated that he did not recall 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: 04/16/07 **DATE OF COMPLETION:** 07/18/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer caused body damage to the complainant's vehicle.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer caused body damage to the complainant's vehicle.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/07 **DATE OF COMPLETION:** 07/18/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly operate a Department vehicle.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/07 **DATE OF COMPLETION:** 07/11/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer stated he towed the complainant's vehicle because it was parked in the middle of the street, a violation of Traffic Code §56. The complainant acknowledged that he parked his vehicle in the middle of street. CVC §22651(b) authorizes removal of any vehicle left standing upon a highway in a position so as to obstruct normal movement of traffic. The officer's action was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The claimant filed a claim for damages with the city seeking reimbursement for tow storage fees for her car, which had been stolen. The claimant failed to respond to requests by OCC seeking confirmation that she wanted to proceed with a complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/06 **DATE OF COMPLETION:** 07/30/07 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated the officer forced open a side door in order to gain access into an in law unit in the rear portion of her property. The officer said the tenant, who had reported a lockout by the complainant, alone forced open the garage side door to access his rented unit. The preponderance of the evidence established that the complainant had unlawfully locked out the tenant. Therefore the act by the tenant to force open a door for which he was previously issued a key was not a malicious act to constitute vandalism, but necessary to regain lawful access to his rented unit. Neither the complainant nor the guest saw who forced open the side door. The tenant did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer entered complainant's property without justification.

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

FINDINGS OF FACT: This allegation stems from the officer following a tenant's entry through a property side door in order to investigate the tenant's report of a lockout by the complainant. The preponderance of the evidence established that the tenant, who was unlawfully locked out of his unit by the complainant, likely gained entry by force through the property side door. The officer's action was lawful and proper in order to conduct his investigation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/06 **DATE OF COMPLETION:** 07/30/07 **PAGE #** 2 of 3

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

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

FINDINGS OF FACT: The complainant said she was not present but a guest told her the officer misused his police authority by telling the guest he had to leave, and that his guest agreement was invalid. The officer denied informing any party about the validity of the guest agreement or ordering anyone to leave. The guest said the officer told him the signed agreement was not valid, and that the tenant had right to his possessions in the apartment. The tenant, who violated the tenant's agreement by subletting without the owner's consent, did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer threatened to handcuff her and take her to the station when she questioned whether the officer was interpreting the contract validity. The guest stated the complainant entered the tenant's unit, interfered with the investigation, at which time the officer warned the complainant if she did not stop interfering, he would handcuff and arrest her. The officer said he informed the complainant he would place her in handcuffs if she placed her hands on him again. The tenant did not respond to OCC requests for an interview. The preponderance of the evidence established the complainant interfered with the officer's lockout investigation and that his admonishment was lawful and proper under the circumstances.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/06 **DATE OF COMPLETION:** 07/30/07 **PAGE #** 3 of 3

SUMMARY OF ALLEGATION #5: The officer issued an invalid orders.

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

FINDINGS OF FACT: The complainant said the officer ordered her to open doors to access a tenant's unit in the rear portion of her property. The officer denied the allegation and stated the tenant requested access to the apartment to collect his belonging, but never made a formal demand for gaining access to the unit. One witness on scene denied the officer ordered the complainant to open the tenant's unit, which was never accessed due to the complainant's unresponsiveness and the tenant's willingness to deal with the matter at a later time. Another witness could not verify or deny the allegation. The preponderance of the evidence gathered in relation to the investigation of two separate incidents for this complaint established the complainant changed the locks to a side door and her tenant's unit several days prior to this police response in violation of California penal code section 418, a misdemeanor, and misrepresented such fact to OCC and responding officers. The officer's inquiry and requests were proper and lawful.

SUMMARY OF ALLEGATION #6-7: The officer(s) failed to properly investigate.

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

FINDINGS OF FACT: The investigation determined that the officers interviewed the parties, prepared an Incident Report and received the request for a citizen arrest. The officers conduct was lawful, justified and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/05/07 **DATE OF COMPLETION:** 07/02/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT:The claimant did not contact the Office of Citizen Complaints as a result of a letter we sent requesting contact. The complainant was arrested on a valid felony warrant. The evidence proved that the acts which provided the basis for the allegation occurred; however, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/06 **DATE OF COMPLETION:** 07/23/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers applied tight handcuffs.

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

FINDINGS OF FACT: The preponderance of the evidence established that officers likely applied tight handcuffs and may not have been double-locked; however, such inaction was due to the level of the complainant's continued resistance during and after his arrest. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was kicked on his torso during the arrest and was struck with a hard object on the back of his head after he was handcuffed. All officers involved in the arrest denied the alleged acts of excessive force, and there were no other witnesses or visual recordings. The named officer stated that he accidentally struck the complainant with a flashlight on the back of the head in response to the complainant's assault upon another officer during the arrest. None of the officers involved in the arrest saw the flashlight strike during the struggle with the complainant. Medical records revealed no trauma noted with respect to the complainant's torso, but noted abrasions to his face and an occipital head laceration. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/04/06 **DATE OF COMPLETION:** 07/23/07 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #5: The officer used inappropriate comments and behavior.

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

FINDINGS OF FACT: The complainant said an officer recognized him after he was in custody and inappropriately stated that they will make sure they get him this time. The officer also denied making the inappropriate remark. None of the officers on scene could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used excessive force while in custody.

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

FINDINGS OF FACT: The complainant stated that while a nurse was treating him at San Francisco General Hospital an officer pulled a finger back when he refused to identify himself. The nurse could not recall the complainant's treatment to verify or deny the allegation. The officer stated he approached the complainant at San Francisco General Hospital in the presence of medical personnel to ask for the complainant's name, but denied bending any finger or using any pain compliance to get the complainant's name. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/07 **DATE OF COMPLETION:** 07/02/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The Department failed to prevent injuries to the claimant's clients

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

FINDINGS OF FACT: The claimant filed a civil claim stating the Department was liable for damages for failing to adequately respond to a series of injury hit-and-run incidents on 8/29/06. The claimant failed to respond to an OCC contact attempt. Department records document extensive attempts to apprehend the hit-and-run driver, ultimately resulting in an arrest. Without the claimant's response to a request for specific facts supporting her claim, it is not possible to arrive at a finding at this time.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/07 **DATE OF COMPLETION:** 07/13/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 11, 2007.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 11, 2007.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/07 **DATE OF COMPLETION:** 07/18/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant filed a claim against the City of San Francisco for police misconduct. Both the complainant and the complainant's attorney failed to respond to the OCC's offer to investigate the allegation.

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

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

FINDINGS OF FACT: The complainant filed a claim against the City of San Francisco for police misconduct. Both the complainant and the complainant's attorney failed to respond to the OCC's offer to investigate the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/15/07 **DATE OF COMPLETION:** 07/26/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly operate a department vehicle.

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

FINDINGS OF FACT: The complainant failed to respond to Office of Citizen Complaints contacts to provide additional requested evidence.

SUMMARY OF ALLEGATION#:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The officer stated that he responded to a request to remove the complainant from housing provided by the homeless assistance program. The program's clinical supervisor stated the complainant had barricaded herself in her room, was abusing drugs and was refusing to follow house rules. The officer, his partner, and the clinical supervisor stated they were unable to persuade the complainant to leave her room. Ultimately, the officer pushed his way into the barricaded room and entered the room. He stated he employed a Department-approved rear wristlock technique and led her into the hall. The clinical supervisor stated he saw the officer pull the complainant by the arm; he stated the officer did not use force or harm the complainant. The clinical supervisor further stated the complainant was schizophrenic, paranoid and delusional. Several hours later, the complainant made two 911 calls stating she was seriously injured. Two supervising officers spoke with the complainant but could find no injuries and stated the complainant was uncooperative and making statements that indicated she was delusional.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/27/07 **DATE OF COMPLETION:** 07/25/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly operate a Department vehicle.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT :

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DATE OF COMPLAINT: 04/27/07 **DATE OF COMPLETION:** 07/25/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT :

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DATE OF COMPLAINT: 05/10/07 **DATE OF COMPLETION:** 07/02/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers stated they detained the complainant for investigation for possibly violating California Vehicle Code Section 27007 (playing loud music that can be heard from at least fifty feet away.) The officers stated they could hear the complainant's sound system from 200-250 feet away. One officer stated he heard a thumping sound before he saw the complaint's vehicle. The complainant was also detained for displaying a license plate on her dashboard. The complainant stated that she had a vanity plate from her prior car displayed on her dashboard. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The officer stated he cited the complainant for violating California Vehicle Code Section 27007 (playing loud music that can be heard from at least fifty feet away.) The officer and two other officers at the scene stated they could hear the complainant's sound system from 200-250 feet away. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 05/17/07 **DATE OF COMPLETION:** 07/10/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer issued a citation without justification.

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

FINDINGS OF FACT: The officer stopped the complainant for an adequate muffler (loud exhaust pipes) and what appeared to be a missing front license plate. The complainant was cited for Adequate Muffler Requirement (27150 (a)). The complainant stated the exhaust system on his vehicle is louder than on most cars.

SUMMARY OF ALLEGATIONS #2 and #3: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The officers denied conducting the traffic stop because of the complainant's ethnicity. There were no witnesses to prove or disprove the allegation.

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

SUMMARY OF ALLEGATION #4 and #5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers stated the reason the complainant was stopped and cited was because of the loud exhaust system on his vehicle. The complainant stated that the exhaust system on his vehicle is louder than most.

SUMMARY OF ALLEGATION #6 and #7: The officers failed to provide name and star #.

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

FINDINGS OF FACT: The officers denied the allegation. The officer issuing the citation stated he gave the complainant his name and star number and also explained to the complainant his name and star number were written on the citation. There were no witnesses to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/11/07 **DATE OF COMPLETION:** 07/18/07 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATIONS #1: The officer damaged property.

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

FINDINGS OF FACT: The complainant withdrew her complaint stemming from her City claim.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant said the officer seized his guns without justification. The officer denied the allegation and stated that the complainant voluntarily surrendered the items for safekeeping. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officers entered complainant's residence without justification.

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

FINDINGS OF FACT: The officers stated the complainant voluntarily allowed them into his residence. The complainant said he let the officers in. The evidence proved that the act, which provided the basis for the allegation occurred. However, such act was justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/07 **DATE OF COMPLETION:** 07/24/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: Unwarranted Action for arresting the complainant.

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

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

SUMMARY OF ALLEGATION #2: Unnecessary Force for force used on the complainant.

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

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

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DATE OF COMPLAINT: 05/22/07 **DATE OF COMPLETION:** 07/24/07 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: Unwarranted Action for an improper strip search.

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

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

SUMMARY OF ALLEGATION #4: Conduct Reflecting Discredit for inappropriate comments and behavior.

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

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

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DATE OF COMPLAINT: 05/23/07**DATE OF COMPLETION:** 07/10/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/06 **DATE OF COMPLETION:** 07/26/07 PAGE #1 of 5

SUMMARY OF ALLEGATIONS #1-2: The officers fatally shot an individual without cause.

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

FINDINGS OF FACT: Department communication records established that a neighbor called 911 at night to report that the front door to an apartment was swinging open. The neighbor also told dispatch the apartment was a “drug house.” The first officer arriving at the scene found the door shut but missing the doorknob. A security guard for the apartment complex on scene told the officer that the lock on the door did not belong to the apartment complex. The security guard and the officer each claim that they pushed open the front door. Standing outside the apartment, the security guard and the officer observed a white t-shirt covered in blood hanging on the door that led to the kitchen. The officer (hereinafter first responding officer) reported his observations of the bloody t-shirt to dispatch and requested another unit to assist him in conducting a walk-through of the apartment.

The evidence established that the two named officers (hereinafter first and second named officer) and a third officer arrived as backup. Upon entering the apartment, the first responding officer, the two named officers and a fourth officer observed the bloody t-shirt hanging on the kitchen door. The apartment appeared to be in the process of renovation. The officers announced their presence and did not receive a response. They found no one on the first floor. They proceeded to the second floor and found that the doors to the two bedrooms were closed and locked. The officers knocked and announced their presence. An occupant of the bedroom responded, telling the officers to wait a second and then opened the door. An officer handcuffed the occupant and asked him if anyone else was in the apartment.

According to the officers, before the occupant could answer, they heard a crash and footsteps in the attic. The first named officer searched the occupant and found a knife in occupant’s back pocket. According to the occupant, when asked if the individual in the attic had any weapons, he told the officers, “No, I’m positive.” The second named officer stated that the occupant would not give any information about the individual in the attic. A witness officer said that when he asked the occupant if the individual in the attic had any weapons, the occupant said, “They got a knife off me.” The witness officer asked whether that meant the individual had a weapon. According to the witness officer, the occupant looked at the officer and then looked away.

According to the occupant, he and the individual in the attic (hereinafter the victim) had been staying in the apartment for the past two to three weeks with permission from the leaseholders, who had moved out. The occupant said that the victim woke him to tell him that the police were outside the apartment. The occupant said he told the victim to close the bedroom door and the occupant went back to bed. About

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three minutes later, officers knocked on his bedroom door. The occupant stated that the victim hid in the bedroom closet. The occupant stated he told the officers, "Just a second" and opened the door.

According to the named officers, they believed that the person in the attic was possibly injured and/or fleeing from the police or the occupant. They thought the person in the attic may have fled to the roof. They quickly learned from apartment maintenance personnel that the attic contained no exit to adjoining buildings. Within a minute of learning this information, the first responding officer requested a dog unit, according to department communication records.

According to the second named officer, before entering the attic, the two named officers and the first responding officer discussed the situation. According to the first responding officer and the first named officer, there was no such discussion.

The second named officer went up into the attic followed by the first responding officer and the first named officer. There was one to two feet of insulation on the attic floor. The attic was extremely cramped with crossbeams and ductwork. The second named officer quickly caught sight of the victim. The second named officer said several times, "San Francisco Police, show your hands, we know you're in here." The second named officer stated that the victim was alternating between lying on his back and sitting upright and moving underneath the insulation. This officer was close enough to the victim to see the perspiration on his face.

The first responding officer was hunched down about five feet behind the second named officer. He could see the left profile of the victim. The first named officer was prone, about two feet from the first responding officer's right side. Another witness officer stated that he stood on a ledge inside the bedroom closet, propped his elbows onto the attic floor and pointed his gun and flashlight at the victim.

According to the named officers and witness officers, the victim repeatedly refused orders to show both his hands. The officers pointed their guns and flashlights at him. The second named officer advised dispatch several times that the victim was concealing his hands.

According to the first responding officer, when he asked the victim what his problem was, he replied, "You're gonna have to fight, I'm not going down, you're not taking me into custody." The first responding officer said that the victim was playing with the insulation and a silver watch with his left hand; his right hand and his legs were hidden by the thick insulation.

The second named officer repeatedly asked the man to come out, according to this officer. He responded by saying, "Shoot me," "I'm not coming out of here," "The only way I'm coming out of here is dead," "I'm not going back," "I'm gonna kill you or you're gonna kill me."

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DATE OF COMPLAINT: 06/21/06 **DATE OF COMPLETION:** 07/26/07 PAGE #3 of 5

The first named officer stated he told the officers, "Let's wait for more people." The first named officer stated that the victim was sitting on his right hand and playing with the insulation with his left hand. He kept saying, "Don't come towards me, stay back" and "I'm not going back to jail." According to the first named officer, the victim asked him, "You ready to earn your medal? You wanna get a medal?"

Within two minutes of finding the victim in the attic, the officers received information that the less than lethal weapon (extended range impact weapon) could not be used because of the rafters.

The witness officer, who was propped on a ledge in the bedroom closet, heard the victim say, "I'm not coming out! When I make my move you guys are gonna be sorry."

The first responding officer asked the victim if he had a warrant and he said, "Maybe, I'm a felon." According to the first responding officer, when he asked if it was worth it for a "stupid little warrant," the victim said, "Tell my mom I love her. Tell my girlfriend I love her. When I make my move this is how it's gonna go." The first responding officer stated that he broadcast that the suspect was not going into custody and was a possible "suicide by cop." Dispatch records indicate a message of "suicide by cop" seven minutes after police first located the victim in the attic. According to another witness officer, he heard the victim say, "Come and get me" several times in a threatening manner.

The victim began kicking a hole in the attic floor that was visible to witness officers below who stood in the bathroom. A witness officer in the bathroom recalled the victim saying words to the effect that he wasn't going to go and he was either going to kill himself or be killed.

Another witness officer who stood behind the officer propped up in the closet could hear officers in the attic ordering the man to show his hands. A witness officer stated he requested a hostage negotiator.

According to the first responding officer, immediately before he heard shots, he saw the victim make a sudden jerking motion with his right shoulder, move toward the second named officer and then heard the second named officer yell something he could not recall. Then he heard shots fired.

The second named officer stated that the victim moved his right hand up from under the insulation and then moved it towards his back. The second named officer recalled yelling out, "He's moving his right hand!"

The first named officer stated he saw the victim suddenly lean forward toward the second named officer, holding a black oblong object that appeared to him to be the barrel of a gun. At the same time, he heard what sounded like a gunshot and believed that the victim was firing at the second named officer. He

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/06 **DATE OF COMPLETION:** 07/26/07 PAGE #4 of 5

believed that the victim had killed the second named officer. The first named officer began firing at the victim.

The second named officer felt a bullet go past the officer's ear. The second named officer began firing. This officer later learned that the bullet had nicked this officer's ear. Both officers stated they believed their lives and the lives of their colleagues were in immediate danger.

The victim died of 16 gunshot wounds to the head, torso and left upper and lower extremities. A crime scene inspector found a pair of eyeglasses on the victim's lap, a hard, black eyeglasses case under his right arm and a glass crack pipe at his feet. The inspector described the attic as extremely cramped with cross beams, ductwork and insulation. Many of the crossbeams had evidence of gunshots. Department communication records indicate that approximately twelve minutes lapsed between the time the officers climbed into the attic and spotted the victim and when the first named officer fired the first shot.

The investigation established that the named officers left the scene unescorted together in the unmarked car they had driven to the scene. They drove together to the district station. During subsequent interviews, they stated that they did not discuss the incident during the drive to the district station. The investigation also established that the firearms used by the two named officers were removed from the scene, taken to a district station and locked in a locker at the station prior to being turned over to homicide investigators.

Based on the evidence reviewed, the OCC recommends a finding of **Training Failure**. Although the Department provides training on how to conduct a building search, the OCC recommends that training be enhanced, especially in light of this case. The Department's Field Training Manual on building searches currently includes general instructions that officers use a police canine unit whenever possible, to contact a supervisor once a safe perimeter is established, that supervisors decide whether to request the tactical assault teams and that suspects should be told to come out before officers enter. The OCC recommends that the Department develop written materials and training that emphasize: 1) how to devise and coordinate a plan for a building search, including reassessment of the plan and an exit strategy; 2) risk assessment that evaluates both officer and civilian safety concerns, especially when officers are entering a dark, confined area; 3) the role of the supervisor to determine appropriate procedures, particularly when officer and civilian safety risks are high; 4) appropriate tactics for retrieving an individual from a confined space, such as the deployment of the canine unit, the extended range impact weapon, hostage negotiators, tactical assault teams, clear out gas, flash bangs, and other less than lethal weapons; and 5) appropriate procedures after an officer-involved shooting as established under DGO 8.11, including how to secure a firearm that has been used during an officer-involved shooting and the separation of officers involved in an officer-involved shooting after the incident and prior to being interviewed by homicide inspectors. The OCC recommends that within six months of this recommendation, the Department provide the Police

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DATE OF COMPLAINT: 06/21/06 **DATE OF COMPLETION:** 07/26/07 **PAGE #5 of 5**

Commission a report that outlines the new training and its implementation plans. The OCC recommends that the named officers undergo training consistent with this recommendation.

SUMMARY OF ALLEGATION #3: Unknown officers failed to take required action by not communicating with the family about the circumstances of their loved one's death.

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

FINDINGS OF FACT: In 2004 the Office of Citizen Complaints recommended that SFPD appoint a liaison to the family of an individual killed in an officer-involved shooting and provide the family information about SFPD and Medical Examiner's Office procedures, crime scene processing, processing of the deceased individual and his or her property, the agencies conducting investigations into the fatality and their respective roles, and relevant SFPD policies on an ongoing basis. This recommendation also included the prompt disclosure to the family of the Incident Report unless the Police Chief asserted the report would endanger the successful completion of the investigation or endanger the safety of the officers or others involved in the investigation. Negotiations about these recommendations are still on-going with the Department.

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/07 **DATE OF COMPLETION:** 07/23/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer was driving improperly.

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/07 **DATE OF COMPLETION:** 07/26/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated in a non-disciplinary manner on July 27, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The statement, documents, and photographs submitted by the complainant established by a preponderance of the evidence that the officers reasonably believed that due to the complainant's mental illness he was a danger to himself. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This allegation will be referred to the San Francisco Sheriff's Department.

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This allegation will be referred to the San Francisco Sheriff's Department.

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DATE OF COMPLAINT: 06/11/07 **DATE OF COMPLETION:** 07/02/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant requested 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: 06/18/07 **DATE OF COMPLETION:** 07/26/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Neglect of Duty for failing to take a report.

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

FINDINGS OF FACT: The complainant stated the officer(s) failed to take a report. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: Neglect of Duty for failing to provide name and star number.

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

FINDINGS OF FACT: The complainant stated the officer (s) failed to provide his name and star number. There is insufficient evidence to either prove or disprove the allegation.

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Amended**

DATE OF COMPLAINT: 06/18/07 **DATE OF COMPLETION:** 07/25/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Neglect of Duty for failing to take required action.

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

FINDINGS OF FACT: The complainant stated the officers failed to take a report. The complainant failed to follow-up and contact General Works for an appointment. Because of this, no officer was assigned to the case.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/07 **DATE OF COMPLETION:** 07/24/07 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1-4: The officers used force on complainant during his arrest.

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

FINDINGS OF FACT: The complainant said the officers used force during his arrest. The officers denied the allegation. The officers stated they used physical control holds necessary to restrain the complainant who was angry and uncooperative. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant said the officer put tight handcuffs on him. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/20/07 **DATE OF COMPLETION:** 07/24/07 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant said the officers arrested him without justification. The complainant was detained under 5150 W&I Code. The evidence proved that the act, which provided the basis for the allegation occurred. However, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #8: The officer searched the complainant without justification.

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

FINDINGS OF FACT: The complainant said the officer searched him without reason. The officer stated he searched the complainant to ensure that he had no weapons. The search was conducted pursuant to a lawful detention. The evidence proved that the act, which provided the basis for the allegation occurred. However, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: Four complainants and one witness stated that they were standing on the sidewalk when they heard the officer make an announcement over the police wagon PA system but they could not understand what was actually said. According to the complainants, there were other people in the area; some walking, some standing and no one seemed to be paying attention to the officer's announcement. The named member stated that he saw the complainants blocking a sidewalk and he ordered them to "move on" over the police wagon PA system. Another officer, who was driving a police wagon behind the named member, corroborated this statement. There were no other identifiable witnesses to this aspect of the incident. The available evidence was insufficient to determine whether, the complainants were, in fact, blocking free passage on the sidewalk and whether the officer's order was justified under the circumstances.

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

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

FINDINGS OF FACT: Four complainants and one witness stated that they were standing on a sidewalk when they heard the officer make some "distorted" announcement over the PA system. The complainants did not understand what the officer was actually saying and they stayed in place. According to the complainants, there were other people in the area at the time; some of them were walking and some standing but no one seemed to be paying attention to the officer's announcement. The named member stated that he saw the complainants blocking the sidewalk and he ordered them twice to "move on" via his police wagon PA system. According to the officer, he detained the complainants because they did not comply with these orders. Another officer, who was driving a police wagon behind the named member, corroborated this statement. There were no other identifiable witnesses to this aspect of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3-4: The officers handcuffed a person without justification.

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

FINDINGS OF FACT: Four complainants and one witness stated that, during their detention, the officers singled out and handcuffed one of them without any legitimate reason. One of the named members stated that the person was handcuffed in order “to defuse the situation” because he was “angry, belligerent and hostile.” The second named member did not recall any aspects of the handcuffing. Three other officers present at the scene at the time stated that they did not remember the circumstances under which the handcuffing took place. The Office of Citizen Complaints found that the level of restraint applied by the named members exceeded what was reasonably necessary given the circumstances of this incident. By a preponderance of the evidence, the allegation is sustained.

SUMMARY OF ALLEGATIONS #5-6: The officers used excessive force during the incident.

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

FINDINGS OF FACT: The primary complainant stated that, during the detention, one officer hit him on the face with the closed fist and the other officer pushed and punched the other complainant in the course of handcuffing and then placed his boot on the complainant’s head. The named members denied using the alleged force during the incident. Two officers who were present at the scene of this incident denied witnessing any excessive force being used and one officer could not recall any aspects of the occurrence. One of the co-complainants fully corroborated the alleged punch on the face with the closed fist and another co-complainant provided partial corroboration of the officer’s action. Three co-complainants and one witness supported the primary complainant’s statement concerning use of excessive force during the handcuffing. By a preponderance of the evidence the allegation is sustained.

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SUMMARY OF ALLEGATIONS #7-8: The officers used profane and uncivil language.

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

FINDINGS OF FACT: Four complainants and a witness stated that the officers used profanity during the detention. The named members denied the allegation. Two officers who were present at the scene stated that they did not hear any profanity during this incident and one officer could not recall any aspects of the occurrence. By a preponderance of the evidence the allegation is sustained.

SUMMARY OF ALLEGATIONS #9-10: The officers exhibited an inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The primary complainant stated that one officer made a comment towards him and his detained friends with inappropriate homosexual connotations and the second officer called one of the co-complainants "a boy," with an apparent intention to humiliate this African-American detainee. The named members denied making the alleged comments and/or derogatory name-calling. Two officers, who were present at the scene, stated that they did not hear the said comments and/or name-calling. One officer did not recall any aspects of this incident. Three co-complainants corroborated, fully or partially, the comment with homosexual connotations. Three co-complainants and one witness provided full corroboration regarding racially humiliating name-calling. By a preponderance of the evidence, the allegation is sustained.

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SUMMARY OF ALLEGATION #11: The officer failed to properly handle personal property.

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

FINDINGS OF FACT: One of the co-complainant stated that when returning the driver's licenses to the detainees, the officer just "flicked" a driver license towards the person instead of handing it over. This driver's license turned up missing after the incident. The rest of the complainants could not see this aspect of the incident. All involved officers denied handling personal property of the detainees in the said manner. The available evidence was insufficient to identify the officer responsible for the alleged misconduct and to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #12-13: The officers failed to issue Certificates of Release.

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

FINDINGS OF FACT: Three complainants and one witness stated that the officers did not provide any of them with paperwork for the detention. The fourth complainant stated that he did not recall whether any paperwork was issued because he was humiliated and shocked by the officers' handling of the incident. One officer stated that a Certificate of Release was issued to the person who was handcuffed during the detention but he could not recall which officer actually wrote this form. Another officer stated that he "believed" a Certificate of Release was issued but he also could not recall which member actually wrote the form. Two other officers did not recall whether the said form was, in fact, issued to any of the detainees. The Department General Order requires members to issue a Certificate of Release to any person who was handcuffed during the detention. The San Francisco Police Department Records Detail does not have any Certificate of Release on file regarding this incident. By a preponderance of the evidence the allegation is sustained.

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DATE OF COMPLAINT: 06/27/07 **DATE OF COMPLETION:** 07/10/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant left her car in the custody of a valet service while she was having dinner in a restaurant. The officer stopped the valet for failing to stop at a stop sign and not wearing a seatbelt. The valet told the officer he did not have a California driver's license or an International driver's license. The valet's employer responded to the scene and informed the officer that the valet did not have a California driver's license. The valet was cited for several violations of the California Vehicle Code, including section 12500. California Vehicle Code section 22651(p) states that officers may tow a vehicle when the driver is cited for violating California Vehicle Code section 12500. Department General Order 9.06, § II. A.2. states that officers shall tow any vehicle being driven by a person who has never been issued a driver's license. The vehicle shall not be released to anyone at the scene. The officer's actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/27/07 **DATE OF COMPLETION:** 07/26/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer failed to exercise due care while driving an emergency vehicle.

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

FINDINGS OF FACT: The complainant stated the officer had no lights or siren activated as he slowed down before crossing an intersection. The officer was responding to an A priority stolen vehicle in progress and said he did not activate the siren so he would not alert the suspects, but could not recall whether he displayed a forward facing red light as mandated under California vehicle code 21055(b) in order to alert other motorists and pedestrians. There was no witness to either verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/07 **DATE OF COMPLETION:** 07/03/07 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Management Control Division
850 Bryant Street, Room 545
San Francisco, CA 94103
(415) 553-1091
Attn: Lt. Lynette Hogue
c/o Sgt. Paget Mitchell

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/25/07 **DATE OF COMPLETION:** 07/02/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to: Office of the Inspector General
PO Box 348780
Sacramento, California 95834-8780

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/07 **DATE OF COMPLETION:** 07/24/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: There is no dispute that the complainant was in violation of VC 5201 when the officers effected the traffic stop on him. The complainant acknowledges he was advised of this information during the brief detention. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were lawful, justified and proper.

SUMMARY OF ALLEGATION #3-4: The officers made inappropriate comments.

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

FINDINGS OF FACT: The officers denied the allegation. The witness was distracted and crying, therefore cannot confirm or deny the comments the complainant allege the officers made. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/07 **DATE OF COMPLETION:** 07/24/07 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The officers denied the allegation. The witness was distracted and crying and didn't recall if the complainant was handcuffed or not. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. The witness was distracted and crying, therefore cannot confirm or deny the comments the complainant allege the officers made. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/06/07 **DATE OF COMPLETION:** 07/10/07 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: IO(2) **FINDING:** IO(2) **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: This complaint raises matters not within OCC's jurisdiction. It was referred to further investigation to:

San Francisco Sheriff's Department
Lt. Kennedy
Investigative Services Unit
25 Van Ness Avenue, 3rd Floor
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

CATEGORY OF CONDUCT: NA **FINDING:** IO1/SFSD **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the 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: 07/08/07 **DATE OF COMPLETION:** 07/23/07 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS

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DATE OF COMPLAINT: 07/11/07 **DATE OF COMPLETION:** 07/16/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant raises matters outside of OCC jurisdiction. The complaint to be referred to: Alcohol Beverage Control

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/19/07 DATE OF COMPLETION: 07/31/07 PAGE# 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: FINDING: DEPT. ACTION:

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant raises matters not rationally within the OCC's jurisdiction.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

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

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

BART Police Department
Internal Affairs-Sgt David Chlebowski
800 Madison Street
Oakland, CA 94607

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: This complaint raises matters not rationally within the OCC's jurisdiction.

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

FINDINGS OF FACT: The complainant raises matters not rationally within the OCC's jurisdiction.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant called 911 to request officers respond to his residence to take a cold report on a "C" priority incident. The officers arrived at the complainant's residence in less than 20 minutes from the time he called 911. In the interim, the complainant left his home and went to Tenderloin station demanding an officer at the station take a report. Per DGO 1.03 and Department Bulletin 07-030, the officer at the district station was under no obligation to take a counter report for a call already reported to 911 and where officers had already been dispatched. The evidence proved that the acts which provided for the basis of 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
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DATE OF COMPLAINT: 07/30/07 **DATE OF COMPLETION:** 07/30/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers intimidated the complainant by following her for nearly a year.

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

FINDINGS OF FACT: Based on the complainant's statements that she could not identify the officers, there were no witnesses and that San Francisco Police Department helicopters were involved (San Francisco Police Department does not utilize or own helicopters). This complaint raises allegations not rationally within the OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/11/06 **DATE OF COMPLETION:** 07/11/07 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer discharged a weapon improperly and unnecessarily.

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

FINDINGS OF FACT: The co-complainants stated that the officer discharged his weapon unnecessarily at a dog and, in doing so, created grave danger for three people who were in close proximity to the dog. The named officer denied the allegation, stating that his partner was attacked by a dog and that the only response he had to ensure his partner's safety was to shoot the dog. The named officer stated further that he made a determined effort to position himself so no person would be struck by a bullet. The witness officer said he was being bitten by the dog when he heard a noise that sounded like a shot, but that he had fallen and did not see the actions of the officer who fired the shot. The co-complainant and two other witnesses gave conflicting accounts of events leading to the discharge of the weapon and their locations when the weapon discharged. The co-complainant and the witnesses said they did not see the dog bite an officer, but all acknowledged the dog approached the officer menacingly. There were no other witnesses. An investigation by a supervisor, the named officer's commanding officer and the Department's Firearm Discharge Review Board found that the discharge of the weapon was within policy but did not discuss whether the officer's actions to safeguard the three people were sufficient. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-4: The officers wrote inaccurate reports.

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

FINDINGS OF FACT: The named officers denied the allegations. The co-complainant and two other witnesses gave conflicting and contradictory statements about the incidents covered in the reports. There were no other witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5, 6: The officers entered a residence improperly

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

FINDINGS OF FACT: The co-complainant stated that the officers entered the home without knocking, without announcing themselves and when no physical struggle was ongoing. The named officers denied the allegations, stating they entered the residence to protect the safety of a woman who was screaming for help. A witness who had called police said he heard the woman yelling for help and sounds of a beating, and that the yelling was going on when the police entered the residence. The co-complainant and two other witnesses acknowledged a violent struggle took place and said the yelling was ongoing when officers entered. There were no other witnesses who came forward. The evidence proved the acts that provided the basis for the allegations 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
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DATE OF COMPLAINT: 09/29/06 **DATE OF COMPLETION:** 07/24/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him for speeding although he was driving under the speed limit set for the area. The officer stated that his citing of the complainant was “proper” because he “believed” that the speed limit in the area where he stopped the complainant was 25 mph and the officer’s radar gun showed the complainant driving at 41 mph. The speed limit where the complainant was driving was 45 mph. 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 #2: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments during the traffic stop. The officer did not recall what he was saying to the complainant during their interaction. There were no identifiable witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/29/06 **DATE OF COMPLETION:** 07/24/07 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to follow the department policy on traffic stop data collection.

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

FINDINGS OF FACT: In the course of investigation of this complaint, the Office of Citizen Complaints found that the officer failed to document the traffic stop involving the complainants' vehicle in the manner required by the department. The named member merely stated that he "might have missed" the complainant's traffic stop when he was preparing a worksheet regarding his daily activity. 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 #2: The officer failed to properly supervise.

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

FINDINGS OF FACT: During the investigation of this complaint, the Office of Citizen Complaints discovered that a traffic enforcement officer failed to properly document the complainant's traffic stop in the manner required by the department policy on traffic stop data collection. The same policy requires "field supervisors" to ensure "strict compliance" by members with this policy but does not outline any specific mechanism of such control. The officers' supervisors stated that it would be physically impossible to ensure the officers' compliance with the policy if the supervisor is not present at every traffic stop conducted by the subordinate officers.

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DATE OF COMPLAINT: 10/05/06 **DATE OF COMPLETION:** 07/05/07 **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 victim/reportee identified the complainant as the person who struck him. The named member said he personally witnessed the complainant at the location of the assault. The officer had probable cause to make the arrest.

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

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

FINDINGS OF FACT: All the officers on-scene denied using any force against the complainant or having their weapons out during the incident. No other witnesses came forward. There is insufficient evidence to identify any officer or reach a definitive finding.

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SUMMARY OF ALLEGATION #3 and 4:The officers made inappropriate comments.

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

FINDINGS OF FACT: The investigation was unable to identify any other officer by name. The named member denied making the alleged comments. A witness statement did not sufficiently corroborate what was alleged to have been said and by whom. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant and several witnesses said they saw the officer use unnecessary force on an arrestee during an arrest. The officer denied the allegation. 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 #2: The officer displayed inappropriate behavior in an intimidating manner.

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

FINDINGS OF FACT: The complainant alleged the officer behaved inappropriately in an intimidating manner during the contact. The officer denied the allegation and stated he was professional to the complainant. The officer stated he tried to calm down the complainant numerous times. One witness said the officer was nice and professional. The same witness said the complainant was pissed off and angry when she showed up at the scene. The complainant's companion said the officer was rude and condescending but failed to clearly articulate what she meant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: Unwarranted Action for a detention without justification.

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

FINDINGS OF FACT: The officers did not describe any activity to the OCC which would lead to a reasonable suspicion that criminal activity was in progress and the complainant was associated with that activity, as required by case law and the Department General Orders. The evidence proved that the act complained of did occur and that using as a standard the applicable rules of the Department, the act was improper.

SUMMARY OF ALLEGATION #3: Unwarranted Action for pat search without cause.

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

FINDINGS OF FACT: The officer admitted physically searching the complainant, but did not say he searched the complainant because he felt the complainant was armed and presently dangerous, as required by case law and Department rules for a proper search. The evidence proved that the act complained of did occur and that using as a standard the applicable rules of the Department, the act was improper.

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SUMMARY OF ALLEGATION #4: Unwarranted Action for pat search without cause.

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

FINDINGS OF FACT: The other officer of this unit admitted he alone searched the complainant, and this officer corroborated that admission. The evidence proved that the acts alleged in this allegation did not occur.

SUMMARY OF ALLEGATION #5-6: Conduct Reflecting Discredit for inappropriate comments and behavior.

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

FINDINGS OF FACT: Both officers denied making inappropriate comments and behaving inappropriately as the complainant described in his complaint. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/14/06 **DATE OF COMPLETION:** 07/26/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he drank two beers, and was standing outside a club with a friend when he saw a Latino, covered in blood, held by other officers, and assumed the other officers had beaten the man. The complainant said he and his friend yelled to officers that was police brutality. The complainant stated three officers then grabbed, detained and slammed him against a big bus without justification. The officer said the complainant and his friends were intoxicated and disobeyed three orders to stay off the street and to remain on the sidewalk in front of the club. Two Sheriff Deputies on scene, the complainant's friend and other known witnesses denied they witnessed the complainant's detention. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said when he asked the officer what they had done, the officer handcuffed him. The officer stated he observed objective signs of intoxication on the complainant and his friend while verbally challenging his orders to remain on the sidewalk and then detained and handcuffed the complainant with the aid of two unidentified Sheriff Deputies. The complainant's friend, and other known witnesses on scene denied they witnessed the complainant's handcuffing. Two Sheriff Deputies denied involvement in the complainant's handcuffing; however, one deputy stated he saw the officer and the complainant on the ground, shifting from an arm bar control to a handcuffing position. However, the two deputies denied they witnessed the initial detention. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used excessive force during the detention.

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

FINDINGS OF FACT: The complainant said he recalled being thrown face down to the ground and did not know how or where he was beaten, except felt pain to the right rear of his head during the beating. The complainant further assumed he lost consciousness, because he could not explain how he sustained five head lacerations. The officer said he pulled the complainant by the shirt to pull him out of a lane of traffic, the complainant pulled back, he pulled harder, and the complainant fell forward due to his intoxicated state. The officer denied the allegation of striking the back of the complainant's head, and could not account for his five lacerations to the rear of his head, which he said he noticed after he left the complainant in temporary custody of two unidentified Sheriff Deputies. The two Sheriff deputies acknowledged having temporary custody of the complainant and while conducting his pat search noticed the complainant was bleeding from the head and called an ambulance. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC Added ALLEGATION #1: The officer prepared an incomplete Incident Report.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer failed to identify two Sheriff Deputies who assisted him to place the complainant into custody, and failed to describe their participation in the incident report as required by the San Francisco Police Department Report Writing Manual.

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DATE OF COMPLAINT: 11/21/06 **DATE OF COMPLETION:** 07/09/07 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1: The officer racially profiled the complainant.

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

FINDINGS OF FACT: The complainant said he did not do anything wrong and felt the officer was profiling any black male he had the opportunity to stop, search, harass and assault at will. The officer denied the allegation. The officer stated he observed the complainant making a hand-to-hand drug transaction and stated he would have arrested any one involved in this type of transaction regardless of race. The complainant stated he purchased the rock cocaine from a different person in another area not from the co-complainant. By preponderance of evidence, it is more likely than not that the officer did not use race as a factor in making this arrest.

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

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

FINDINGS OF FACT: The complainant stated the officer punched him on his ribs, back and upper left eyebrow area causing broken ribs and laceration on eyebrow. The officer denied the allegation. The OCC photograph was taken on 2/15/07 of the eyebrow, which appears to be a scar as a result of an old laceration that was stitched. The complainant was accepted for booking without any problem. The jail medical records do not document any broken ribs and no treatment requiring stitches was given to the complainant on the date he was triaged. The mug shot provided by the officer does not document any visible injuries on the complainant's face. By preponderance of evidence, it is more likely than not that excessive force was not used.

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

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

FINDINGS OF FACT: The complainant said the officer searched him and he did nothing wrong. The officer stated he searched the complainant incident to a lawful arrest and found narcotics on him. The officer had the authority to search the complainant incident to arrest.

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

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

FINDINGS OF FACT: The complainant stated he did not buy the narcotics from the co-complainant. He stated he bought the narcotics in another location. The officer observed the complainant and co-complainant in a hand-to-hand drug transaction. The court records indicate that a jury found the co-complainant guilty and that the complainant plead guilty shortly after his OCC interview. By preponderance of evidence, it is more likely than not that this arrest was valid.

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SUMMARY OF ALLEGATIONS #5: For misrepresenting the truth.

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

FINDINGS OF FACT: The complainant said the officer made up these bogus charges and denied being involved in a hand-to-hand drug transaction. The officer denied the allegation. There is no supporting documentation to the complainant's version of events. The co-complainant denied having contact with the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to identify themselves to the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated the officers did not identify themselves until after he began to resist. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8-9: The officers used excessive force against the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated the officers pushed him against the wall and then told him he was under arrest. The co-complainant stated he resisted because he did not know who the officers were at that time because they had not identified themselves. The complainant said that after he was tackled and handcuffed he was struck in the rib area and kned in the eye. The officers denied the allegation. The officers submitted a mug shot for the day of the arrest and it does not document any facial injuries. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10-11: The officers searched the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant said he did not do anything wrong but did say he had a rock cocaine in his coat pocket that somehow fell when he was being taken into custody. The officers stated the co-complainant was pat searched for weapons and contraband prior to being transported. The officers have the authority to conduct a pat search incident to arrest.

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SUMMARY OF ALLEGATION #12-13: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The co-complainant denied selling narcotics. The officers stated that upon another officer's observations of a hand-to-hand narcotics transaction they arrested the complainants. The other officer stated he observed the complainant and co-complainant engaged in a hand-to-hand drug transaction. The complainant stated that he had narcotics on his possession. By preponderance of evidence, it is more likely than not that the arrest was valid.

SUMMARY OF ALLEGATION #14-15: The officers misrepresented the truth.

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

FINDINGS OF FACT: The co-complainant said the officers made up the charges and he denied being involved in a hand-to-hand drug transaction. The officer denied the allegation. The complainant admitted having narcotics in his possession but not selling. Court records document that a jury found the co-complainant guilty. By preponderance of evidence, it is more likely than not that the officers' arrest and charges were valid.

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DATE OF COMPLAINT: 11/28/06 **DATE OF COMPLETION:** 07/23/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to prepare an accurate and complete Incident Report.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence and did not respond to contact attempts.

SUMMARY OF ALLEGATION #2: The officer failed to conduct an investigation.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence and did not respond to contact attempts.

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DATE OF COMPLAINT: 12/11/06 **DATE OF COMPLETION:** 07/03/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The violation cited by the officer was incorrect. The error was not harmless as the wrongfully cited violation was a misdemeanor, therefore the allegation against the officer is sustained.

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

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

FINDINGS OF FACT: The officer denied the allegation. Witnesses either denied the alleged conduct occurred, did not overhear the conversation or refused to be interviewed by the OCC. A dispositive finding cannot be reached.

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SUMMARY OF ALLEGATION #3:The officer conducted a biased investigation.

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

FINDINGS OF FACT: The officer denied the allegation. There was no independent corroborating evidence to support the allegation. A dispositive finding cannot be reached.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was detained by mistake. The complainant said his friend used profanity toward the officer and left the area. The complainant said the officer thought it was he who had cursed at him. The officer denied the allegation. The witness said that he and complainant cursed at the officers but denied smoking marijuana. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant said the officer put him in a chokehold. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4-5: The officer exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers made comments towards him while in the substation. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer ejected the complainant from the game without justification.

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

FINDINGS OF FACT: The complainant said he did not do anything to be ejected and had merely inquired about his two friends that were ejected. The officer denied the allegation. The witness said that he and the complainant cursed at the officers but denied smoking marijuana. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant said the officer used profanity towards him at the substation. The officer denied the allegation. There were no witness. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. The witnesses who responded to the OCC's request for an interview all denied hearing the profanity. Other witnesses did not respond to the OCC's request for an interview. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer placed the handcuffs too tight on the arrestee.

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

FINDINGS OF FACT: The officer denied the allegation and said that when the arrestee complained that the handcuffs were hurting her wrists he adjusted them. A witness officer said that when the arrestee complained of pain to her wrists the named member adjusted the handcuffs. The arrestee said that when the named member adjusted the handcuffs he made them tighter. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #3-4:The officers entered the residence without cause.

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

FINDINGS OF FACT: The officers were in possession of a bench warrant that authorized entry of the residence at the time of the entry. The entry was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied searching the complainant. The officer's partner stated he searched the complainant. The allegation is unfounded.

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

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

FINDINGS OF FACT: The officer stated he searched the complainant for weapons; he also stated he had no information that the complainant was armed and dangerous. The officer stated he continued to grope a small bag attached to the complainant's belt after he knew it did not contain a weapon. The officer's search exceeded the bounds of a permissible search established by federal case law, specifically, Terry v. Ohio (1968) 392 U.S. 1. The allegation is sustained.

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

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

FINDINGS OF FACT: The officer conducted an improper search, thus the fruits of that search should be suppressed. The officer lacked probable cause to arrest the complainant. The allegation is sustained.

SUMMARY OF ALLEGATIONS #4-5: The officers failed to take custody of the complainant's bicycle at the time of his arrest.

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

FINDINGS OF FACT: The officers stated the complainant instructed them to give his bicycle to a friend who was standing nearby, and they did so. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6-7: The officers failed to properly process the complainant's bicycle.

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

FINDINGS OF FACT: The officers stated the complainant instructed them to give his bicycle to a friend who was standing nearby, and they did so. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said she gave her current vehicle registration to the named officer, but the officer improperly issued a citation for expired registration and ignored her arguments that the citation was incorrect. The named officer acknowledged he mistakenly issued an erroneous citation. The named officer also claimed the complainant did not provide a registration card and he denied the complainant argued the merits of the erroneous violation. One witness officer said the complainant provided her vehicle registration card and complained about the citation. Another witness corroborated the complainant's account of the incident. Department records indicate that the officer was presented with evidence that the complainant's registration was current and issued a citation stating it was invalid. 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 #2: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant and a witness stated that the named officer engaged in an argument with the complainant, during which she scolded her for arguing the merits of a traffic citation and made comments that were perceived as provocative. The named officer denied making the alleged comments or being provocative, and said when her efforts to help were rebuffed, she stopped talking. One witness officer denied hearing some of the alleged comments, said he did not recall one, and stated that the complainant got in an argument with the named officer. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to tow his vehicle. The complainant admitted he was hiding within his vehicle and did not make contact with the officer. The officer stated he did not have any contact with the complainant nor did he verbally threaten the complainant. The officer stated as per compliance with San Francisco Traffic Code section 37A he placed a warning notice on the complainant's vehicle, which was parked on the street. The officers actions were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on July 11, 2007.

SUMMARY OF ALLEGATION #3-4: The officer failed to state a reason for the arrest.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on July 11, 2007.

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SUMMARY OF ALLEGATION #5-6: The officer failed to investigate the incident.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on July 11, 2007.

SUMMARY OF ALLEGATION #7-8: The officer acted inappropriately and made unwarranted comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on July 11, 2007.

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SUMMARY OF ALLEGATION #1-2: The officers refused to write an Incident Report.

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

FINDINGS OF FACT: The complainant stated she wanted to file two reports one on the suspect who assaulted her and the second on the paramedics who mistreated her. One officer stated the complainant told him about her wanting to file a report on the paramedics and then changed her mind. Another officer stated the complainant wanted to file a report against the paramedics and one on an officer but said there was no merit and referred her to Office of Citizen Complaints and San Francisco Fire Department instead. The complainant did not sign a medical release. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer lied to dispatch telling them that she had changed her mind about filing a report. The officer denied the allegation. The complainant did not sign a medical release. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating they were dispatched to the scene regarding an intoxicated subject who was asked to leave the premises, refused, than became belligerent and screaming at staff members. One of the officers stated the complainant was detained for being intoxicated in public and was unable to care for himself. The other officer said the complainant was asked to leave numerous times and became hostile towards the officers. The witnesses corroborated that they called the police for assistance with the complainant who was intoxicated, belligerent and uncontrollable. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3-4: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The officers denied the allegation, stating they used minimal force when forced to place the complainant against the wall with a controlled hold on his wrist. The named officers stated the complainant attempted to flee into a crowded room and resisted them during the detention. The witnesses corroborated the accounts of the officers. One witness denied that the officers threw the complainant against the wall. The witnesses corroborated the complainant became physically aggressive toward the police and resisted the detention. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5-6: The officers used unnecessary force with tight handcuffs.

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

FINDINGS OF FACT: Both officers acknowledged that they handcuffed the complainant. The officers denied the allegation, stating they did not hear the complainant complain about the tightness of the handcuffs. The witness corroborated that she never heard the complainant mention the tightness of the handcuffs during the detention, nor while riding in the elevator with the complainant. The transporting officer affirmed the complainant requested the handcuffs be loosened, and he obliged the complainant. The transporting officer said he checked the degree of tightness and double locked the cuffs. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #7: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant alleged the named officer told him to shut up during the initial detention. The named officer denied the allegation, stating he did tell the complainant to shut up during his contact. The named officer was not present during the initial detention of the complainant. The officer stated he did not verbally interact with the complainant, except to transport the complainant to the jail.

The arresting and witness officers corroborated they did not hear any officer speak to the complainant in this manner. The witness corroborated that she never heard any officers tell the complainant to shut up. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.