

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1 & 2:** The officers used unnecessary force during an arrest.

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

**FINDINGS OF FACT:** The complainant filed a civil claim with the City of San Francisco. The complainant failed to respond to contact attempts made by this agency.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complaint was begun as a result of a civil claim filed with the Controller's office and forwarded to Office of Citizen Complaints. The complainant did not contact the Office of Citizen Complaints in response to our request for contact, and failed to provide evidence to continue the investigation.

**SUMMARY OF ALLEGATION #:** .

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant failed to provide additionally requested information necessary for a meaningful investigation.

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

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

**FINDINGS OF FACT:** The complainant failed to provide additionally requested information necessary for a meaningful investigation.

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**SUMMARY OF ALLEGATION #3:** The officer handcuff the complainant's son without justification.

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

**FINDINGS OF FACT:** The complainant failed to provide additionally requested information necessary for a meaningful investigation.

**SUMMARY OF ALLEGATION #4:** The officer filed false charges against the complainant's son.

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

**FINDINGS OF FACT:** The complainant failed to provide additionally requested information necessary for a meaningful investigation.

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**SUMMARY OF ALLEGATION #5:** The officer acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant failed to provide additionally requested information necessary for a meaningful investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The evidence proved that the officer has reasonable suspicion to detain the complainant's son.

**SUMMARY OF ALLEGATION #2:** The officer conducted a pat search without cause.

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

**FINDINGS OF FACT:** The evidence proved that the search was conducted pursuant to a lawful detention.

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

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

**FINDINGS OF FACT:** There is conflicting evidence related to the search of the backpack, therefore there is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #4:**The officer transported the detainee without justification.

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

**FINDINGS OF FACT:** By a preponderance of the evidence the transportation to the station for further investigation was proper.

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**SUMMARY OF ALLEGATION #5:** The officer conducted himself in an inappropriate manner.

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

**FINDINGS OF FACT:** There is conflicting evidence related to this allegation, therefore there is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #6:** The officer failed to release property.

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

**FINDINGS OF FACT:** The property in question was booked into evidence and therefore retained by the SFPD consistent with the SFPD policies and procedures. The action of the officer was lawful and proper.



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

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

**FINDINGS OF FACT:** There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-3:** The officers made threatening, inappropriate comments and behavior toward the complainant.

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

**FINDINGS OF FACT:** The complainant stated an officer did not read her written complaint and accused her of lying. The complainant said another officer kicked a wall at the station and accused her of being a troublemaker and being crazy. The complainant stated there was an unknown white male officer who gave her a dirty look and slammed the phone in front of her. The officers denied the allegations. A station poll was completed with negative results and other officers did not identify this unknown officer. There are no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer failed to accept a police report from the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officer did not accept her information to make a police report per her request. The officer stated she completed a police report on behalf of the complainant's request. The officer accepted the complainant's information and generated a police report. There are no witnesses to the incident. The investigation revealed that the police report was completed by the officer and the evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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**SUMMARY OF ALLEGATION #5:** The officer failed to take a police report.

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

**FINDINGS OF FACT:** The complainant said the officer refused to take and complete a police report as she requested. The officer denied the allegation. The officer stated he recalled speaking with the complainant on the station phone but denied not taking a police report. There are no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT** The complainant alleges the officer detained her without justification. The officer is no longer available and subject to Department discipline.

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

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

**FINDINGS OF FACT:** The complainant alleges the officer arrested her without cause. The officer is no longer available and subject to Department discipline.

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

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

**FINDINGS OF FACT** The complainant alleges the officer used unnecessary force. The complainant stated the officer knocked her to the ground causing injury to her wrist. The officer denied using unnecessary force. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer failed to provide the complainant with his badge number.

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

**FINDINGS OF FACT:** The complainant alleges the officer failed to provide his badge number when asked. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #5:** The officer failed to provide medical treatment.

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

**FINDINGS OF FACT** The complainant alleges the officer failed to provide medical treatment of her injury. The officer stated that to his knowledge, the complainant was not injured. The officer stated the complainant repeatedly refused medical attention. One witness stated she did not notice injury to the complainant during the contact. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #6:** The officer failed to take an OCC complaint.

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

**FINDINGS OF FACT:** The complainant alleges the officer failed to take an OCC complaint. The officer is no longer available and subject to Department discipline.

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**SUMMARY OF ALLEGATION #7:** The officer failed to Mirandize the complainant.

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

**FINDINGS OF FACT:** The complainant alleges the officer failed to read her rights during her arrest. The officer is no longer available and subject to Department discipline.

**SUMMARY OF ALLEGATION #8:** The officer displayed inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant alleges the officer displayed inappropriate behavior by calling her "sweetheart" while she was in custody at San Francisco County Jail 9. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT :** The complainant stated the officer detained him following a jaywalking violation. Although the named officer stated he did not recall the contact, the complainant admitted jaywalking. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT :** The complainant stated the officer handcuffed him without justification following a jaywalking violation. The named officer denied any recollection of the incident and his recollection could not be refreshed. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.



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

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

**FINDINGS OF FACT :** The complainant stated the officer searched his mouth, forcing it open without justification following a jaywalking violation. No narcotics were found. The named officer denied any recollection of the incident and his recollection could not be refreshed. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer made inappropriate comments and acted in an inappropriate manner.

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

**FINDINGS OF FACT :** The complainant stated the officer ran his name for warrants. When the officer discovered a citation had turned to a warrant, the complainant stated the officer made disparaging remarks and acted in an inappropriate manner. The named officer denied any recollection of the incident and his recollection could not be refreshed. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #5:** The officer failed to issue the complainant a Certificate of Release.

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

**FINDINGS OF FACT :** The complainant stated the officer detained him in handcuffs, physically restraining him. When the officer released him, the officer did not provide him the required Certificate of Release, as required by California Penal Code Section 849b. The named officer denied any recollection of the incident and his recollection could not be refreshed. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #6:** The officer used unnecessary force.

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

**FINDINGS OF FACT :** The complainant stated the officer used unnecessary force during his search of the complainant, grasping the complainant's mouth and forcing it open, claiming he had narcotics secreted inside. No narcotics were found. The named officer denied any recollection of the incident and his recollection could not be refreshed. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #7:** The officer uttered profanity.

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

**FINDINGS OF FACT :** The complainant stated the officer used profanity during his contact with him. The named officer denied any recollection of the incident and his recollection could not be refreshed. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT :**

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

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

**FINDINGS OF FACT:** The complainant acknowledged being in possession of marijuana. The officer stated he observed the complainant remove a bag of marijuana from his backpack. During the arrest search, the officer discovered four additional bags of marijuana as well as clear baggies in which to package and sell marijuana. No paraphernalia was found. The complainant was on active parole at the time of his arrest. The officer's conduct was proper.

**SUMMARY OF ALLEGATION #2:** The officer failed to prepare an accurate incident report.

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

**FINDINGS OF FACT:** The complainant was not available for an interview. The allegation could not be properly investigated.

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

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

**FINDINGS OF FACT:** The complainant alleged that the police failed to properly investigate the theft of his musical instruments taken from his vehicle. The incident report contains no suspect information. Department records show that the complainant's case was never assigned for investigation, but that it was administratively filed after triage. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer stated he was dispatched to a call regarding a fight at an apartment complex. The apartment manager and two tenants advised the officer that the complainant had been violent, was acting erratically, and they were afraid of the complainant. The named officer said when he made contact with the complainant, the complainant made violent physical and verbal threats toward him. Three witnesses corroborated the complainant had damaged property by punching a hole in the wall, and had become a threat to the tenants in the building. The complainant acknowledged that he would be taken away by police for a mental assessment. The medical record corroborated the psychiatric state of the complainant.

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The named officer stated he grabbed the complainant's arms and handcuffed him with the assistance of his partner officer. The officer said the complainant was not tackled. The named officer said they walked the complainant down the common apartment building stairway and placed the complainant into the patrol car.

Two witnesses vehemently denied that the complainant was dragged down the staircase or that any force was used on the complainant. One witness stated the complainant "got smart" with the police and pushed the officers a couple of times. Both witnesses said the complainant was handcuffed, walked down the stairs, and taken out of the building. The other witness stated she saw the police taking the complainant somewhere where he would be safe, though she did not see them walking down the stairs. The evidence showed that the alleged act did not occur.

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**SUMMARY OF ALLEGATION #1:** The officers exhibited inappropriate behavior during the arrest.

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

**FINDINGS OF FACT:** The complainant stated that the officers told him to shut up and laughed at him while an officer stuck a baton on his buttock before being placed in a wagon. The complainant stated he couldn't identify the officers as he was faced down and there were SFGH officers as well. The officers denied the allegation. The officers stated that there were SFSD deputies and SFGH Institutional police present at the time. There were no other witnesses.

**SUMMARY OF ALLEGATION #2:** The officers used force against the complainant.

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

**FINDINGS OF FACT:** The complainant said he was dropped to the ground and kicked upon discharge from SFGH in the parking lot. The complainant said he was thrown into the wagon and upon arrival to the jail he was kicked again. The complainant said that he does not know who used the force and also mentioned that there were SFSD deputies present. The officer's denied the allegation. The complainant described one possible officer, however, the description does not match the SFPD officers' that were present.

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**SUMMARY OF ALLEGATION #1:** The officer made an arrest without cause.

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

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

**SUMMARY OF ALLEGATION #2:** The officer made an arrest without cause.

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

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



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**SUMMARY OF ALLEGATION #3:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The evidence does not support the allegation.

**SUMMARY OF ALLEGATION #4:** The officer engaged in selective enforcement.

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

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

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

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

**FINDINGS OF FACT:** The complainant alleges the officer displayed inappropriate behavior and/or made inappropriate comments. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that, when she was at the bank, an officer told her to sit down without any explanation while the teller was speaking to another officer. The complainant failed to provide specific information and there is no other information available. The identity of the officer has not been determined.

**SUMMARY OF ALLEGATION #:**

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**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer grabbed her bicycle from her hands and threw it into the street. The officer denied the allegation. The investigation conducted by a San Francisco Police Department member documents that he contacted a witness who states she was 9-10 feet from the complainant at the time of the incident and saw a bicycle on its' side on the ground about six feet from where the complainant was standing. Another officer stated that the officer carried the complainant's bike off the island and placed it on its kickstand. Some officers do not recall the incident; others did not observe the officers interaction with the complainant. The witness did not respond to Office of Citizen Complaints request to be interviewed. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that she remained on the median/island in the tunnel after the officer threw her bicycle into the street. The complainant said she felt someone else grab her jacket from behind and forcefully push her to the ground causing her to fall on her bicycle in the street. Officers denied the allegation. One officer stated he saw the officer take the complainant's arm and walk her back to her bicycle and the woman was now standing next to her bike when the officer walked away and returned to his motorcycle. The officer said the complainant stood beside her bike a moment and then fell to the ground and no one was around when she fell. The investigation conducted by San Francisco Police Department documents that the witness saw a bicycle on its' side on the ground about six feet from where the complainant was standing. The witness then saw a motorcycle police officer, which was standing behind the complainant; push the complainant on her back with his hand forcefully in a downward manner and the complainant fell forward on top of her bicycle. The witness did not respond to the contacts made by Office of Citizen Complaints for an interview at the number provided by the complainant. Other officers do not recall the incident; others did not observe the incident. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 06/23/08      **DATE OF COMPLETION:** 07/23/08      **PAGE # 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated the officer(s) failed to rescue her from paramedics who were kidnapping her against her will. The complainant stated she was having a “seizure type of thing” and other person called for paramedics. The complainant stated that as paramedics attempted to treat her, she fled the area and the paramedics followed her, threatened her and strapped her to a gurney in an uncomfortable manner. The complainant stated the officers did not help her in her ordeal with the paramedics. Officers are not trained medical personnel and are taught to defer to the judgment of medical providers in an emergency medical situation. The elements of the crime of kidnapping were not met in this case as the complainant was not kidnapped but instead was being provided with medical attention. There was no requirement that the officers either write a report, press charges or call for a supervisor in this situation when no crime was committed and medical attention was being provided. The evidence showed that the act which provided the basis for the allegation did occur, however pursuant to the applicable rules of the San Francisco Police Department, officers acted appropriately and lawfully.

**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 lived in an apartment complex. Department records show that the front desk clerk for the apartment complex called the police and reported that the complainant was intoxicated and that the complainant attempted to assault another tenant. The complainant admitted that she had been drinking. The complainant was detained for being drunk in public in the hallway of the complex. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 01/02/08    **DATE OF COMPLETION:** 07/31/08    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1 and 2:** The officers conducted an inappropriate search.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

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

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



**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/14/08 **DATE OF COMPLETION:** 07/26/08 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT :** The complainant stated the officer told him he did not competently perform his tasks as a caregiver to his disabled charge in an inappropriate manner. The complainant also stated the officer yelled at him and flailed his arms in an aggressive, inappropriate manner. The witness did not respond to the Office of Citizen Complaints attempt to contact him. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT :** The complainant stated the officer intimidated him. He claimed this experience caused him to fear contacting the police. The complainant provided a videotape that showed the officer appearing to gesticulate and briefly yell at the complainant for approximately two seconds. The officer did not touch the complainant or physically approach the complainant. The video did not have sound. The witness in the video was contacted but did not come forward. There were no other witnesses. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/14/08 **DATE OF COMPLETION:** 07/26/08 **PAGE#** 2 of 4

**SUMMARY OF ALLEGATION #3:** The officer failed to file a missing person's report.

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

**FINDINGS OF FACT :** The complainant stated that based on the information provided, the officer should have filed a missing person's report. The complainant was the caregiver to the reported missing person. The complainant's charge had two medical conditions that triggered exigent circumstances for the officer to conduct an immediate search for him. However, when the officer arrived at the scene, the complainant told the officer, as well as the Office of Citizen Complaints, that his charge had departed the premises for a specific purpose. When the complainant and the officer walked out the door of the premises to search, the complainant's charge was visible to both the complainant and the officer. The officer had no duty to file a missing person's report. As there was no merit to a missing person call. 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:** The officer failed to take a missing person report.

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

**FINDINGS OF FACT :** The named officer is no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/14/08 **DATE OF COMPLETION:** 07/26/08 **PAGE#** 3 of 4

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

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

**FINDINGS OF FACT :** The complainant was the caregiver to the reported missing person. The complainant's charge had two medical conditions that triggered exigent circumstances for the officer to conduct an immediate search for him. However, when the officer arrived at the scene, the complainant told the officer, as well as the Office of Citizen Complaints, that his charge had departed the premises for a specific purpose. When the complainant and the officer walked out the door of the premises to search, the complainant's charge was visible to both the complainant and the officer. During his initial investigation, the officer learned the person who had been reported missing was not missing. He had not drawn a case number and was not obliged to write a report. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT :** The complainant stated that the officer misrepresented themselves by providing badge numbers belonging to other officers. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 01/14/08 **DATE OF COMPLETION:** 07/26/08 **PAGE#** 4 of 4

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

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

**FINDINGS OF FACT :** The named officer is no longer subject to Department discipline.

**SUMMARY OF OCC ADDED ALLEGATION #4:** The officer failed to write an Incident Report.

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

**FINDINGS OF FACT :** The named officer is no longer subject to Department discipline.

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**DATE OF COMPLAINT:** 01/17/08      **DATE OF COMPLETION:** 07/31/08      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The initial officer denied the allegation. The officer said she spoke with the hotel manager and the complainant regarding the incident. The officer said the hotel manager informed her he had removed the complainant's room door to repair the lock. The hotel manager informed the officer he had made numerous attempts to contact the complainant over a three-week period, yet the complainant continued to disregard all contacts by phone and written messages. The initial officer stated she made the hotel manager aware that the complainant's electricity was not working. The hotel manager told the officer he was unaware that the electricity was off and it may have kicked off due to overuse of an outlet. The officer said while still at the scene, the hotel manager replaced the door, and the complainant's electricity was restored. The named officer provided the complainant with a citizen's arrest form for the hotel manager and she requested a sergeant to the scene. The officer said her demeanor was calm, yet the complainant was very agitated, upset and uncooperative.

The responding sergeant denied the allegation. The sergeant said he explained to the complainant that his door had been removed so hotel employees could repair a faulty door lock and the motel staff was unaware of his power outage. The sergeant said he provided three citizen arrest forms to the complainant and issued the arrest forms to the manager and two hotel employees. The named sergeant acknowledged he advised the named officer to release the motel staff (849B PC). The sergeant stated there did not appear to be any criminal intent in removing the door for repairs nor of the power outage in the complainant's room. The sergeant said he remained calm and attempted to comply with all of the complainant's legal requests.

Both witnesses stated the officers handled the incident in a professional manner. One of the witnesses said the officers did their job, displayed proper conduct and was polite to all parties involved, including the complainant. The hotel manager stated the police officers did nothing wrong. The hotel manager said if anyone did anything wrong; it was himself and it was the complainant in the room. The hotel manager said the complainant was erratic and he believes the complainant has serious mental issues that should be addressed. The other witness said the complainant was livid, uncooperative and rude to the officers and the hotel staff. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 02/12/08      **DATE OF COMPLETION:** 07/04/08      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said he had his seatbelt on and that there was no way the officer could tell if he was wearing a seat belt or not because they did not pass each other. The officer denied the allegation. The officer stated he and complainant passed each other and he observed that the complainant did not have his seat belt on and noticed him putting it on while being stopped. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer recognized him and stopped him as a form of harassment from a previous incident and racially profiled him. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/18/08 **DATE OF COMPLETION:** 07/15/08 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant failed to provide additional requested information needed to further the investigation. The complainant has not provided an initial intake interview despite several contact attempts by Office of Citizen Complaints investigator and mediation coordinator.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 03/17/08    **DATE OF COMPLETION:** 07/04/08    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officers did not take any action to protect her from being assaulted by the paramedics. The complainant stated the paramedics pummeled and tortured her while she was being treated inside the ambulance. The complainant was clearly in need of medical assistance and needed to be transported to San Francisco General Hospital for either seizures or a Mental Health Detention/Evaluation. Witnesses stated the complainant was not cooperative and was gravely disabled. 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 officers used force on the complainant during transport.

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

**FINDINGS OF FACT:** The complainant stated the officers injured her hands and wrists during transport to County Jail. The complainant admitted she was having a breakdown and thus slapped a paramedic inside the ambulance during assessment. The complainant was placed in a 4-point restraint after assaulting a paramedic before transport to San Francisco General Hospital. The complainant was clearly in need of medical assistance and needed to be transported to San Francisco General Hospital for either seizures or a mental health detention/evaluation. Witnesses stated the complainant was not cooperative and was gravely disabled. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.



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**DATE OF COMPLAINT:** 04/05/07 **DATE OF COMPLETION:** 07/18/08 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1-4:** The officers failed to take required action, in that they failed to arrest the person who the complainant wanted arrested.

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

**FINDINGS OF FACT:** The officers investigated the complainant's allegation, but failed to find sufficient evidence that a crime had been committed. The Department General Orders require officers to find probable cause to arrest or cite the person before doing so. The evidence shows that the alleged act took place, but it was legal and proper. Department records show that a citizen arrest was accepted by the officers.

**SUMMARY OF ALLEGATION #5:** The officer failed to take required action, failure to make an arrest.

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

**FINDINGS OF FACT:** The officer has retired; the Office of Citizen Complaints no longer has jurisdiction.

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

**SUMMARY OF ALLEGATION #6:** The officer threatened to arrest the complainant.

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

**FINDINGS OF FACT:** The officer has retired; the Office of Citizen Complaints no longer has jurisdiction.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:** .

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 03/21/08    **DATE OF COMPLETION:** 07/07/08    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant reported being parked at a gas station when he was detained. Two officers working in plainclothes stated they received an anonymous tip and placed a narcotics dealer under surveillance. One officer stated he walked by the complainant's BMW and saw the complainant receive from the narcotics dealer an off white piece of suspected rock base cocaine. This officer reported to the second officer his observations. The second officer followed the complainant to the gas station and requested for a marked unit to detain the complainant. The officers' actions were lawful and proper.

**SUMMARY OF ALLEGATION # 3-4:**The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant reported being parked at a gas station when he was arrested. Two officers working in plainclothes stated they received an anonymous tip and placed a narcotics dealer under surveillance. One officer stated he walked by the complainant's BMW and saw the complainant receive from the dealer an off white piece of suspected rock base cocaine. This officer reported to the second officer his observations. The second officer followed the complainant to the gas station and requested for a marked unit to arrest the complainant. The officers' actions were lawful and proper.

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**DATE OF COMPLAINT:** 03/21/08    **DATE OF COMPLETION:** 07/07/08    **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated a uniformed officer search his vehicle despite his objection. The officer and several witnesses on scene stated the complainant's vehicle was searched incident to his arrest at the request of the plainclothes officer affecting the arrest. The preponderance of the evidence established that the officer lawfully searched the complainant's vehicle incident his arrest. The officers' actions were lawful and proper.

**SUMMARY OF ALLEGATION #6:** The officer's comments and behavior were inappropriate.

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

**FINDINGS OF FACT:** The complainant reported that a uniformed officer told him not to look at the officers searching his vehicle after the complainant had objected to its search. The officer denied the allegation and stated he merely informed the complainant that he was under arrest by another officer, who would talk to him shortly. Two other witnesses on scene denied the allegation. There were no independent witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 03/21/08 **DATE OF COMPLETION:** 07/07/08 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #7:** The officer failed to provide the complainant a Miranda admonishment.

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

**FINDINGS OF FACT:** The complainant reported that he was not provided a Miranda admonishment. However, the complainant declined to provide OCC a statement while criminal charges are pending. All officers on scene denied conducting any custodial interrogation. There is insufficient evidence to either prove or disprove the allegation against any particular officer.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:.**

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**DATE OF COMPLAINT:** 03/24/08 **DATE OF COMPLETION:** 07/29/08 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he did not run the stop sign. The officer stated he observed the complainant fail to make a complete stop. The witness did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer made inappropriate comments was hostile and scary. The officer denied the allegation. The witness did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

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

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

**SUMMARY OF ALLEGATION: #:**

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

**FINDINGS OF FACT:**

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

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

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

**FINDINGS OF FACT:** The complainant stated she felt the officer was unprofessional because he threatened her in an aggressive manner and violated her personal space by standing too close to her. The complainant believed that the officer was going to harm her and provoke her. The officer denied the allegation. The officer stated he was professional and courteous toward the complainant. No witnesses to this contact were identified or came forward during the investigation. 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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**DATE OF COMPLAINT:** 03/03/08    **DATE OF COMPLETION:** 07/15/08    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The complainants filed a civil claim with the City of San Francisco alleging that his vehicles were towed without cause.

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

**FINDINGS OF FACT:** The complainant stated that he did not wish to file a complaint with the OCC.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

**SUMMARY OF ALLEGATION #1:** The officer used excessive force during the complainant's arrest, which caused injury to the complainant.

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

**FINDINGS OF FACT:** The complaint's medical record shows that he did not seek medical attention for injury until three weeks after he had been arrested. These medical records further state that the complainant received the injury as a result of his "resisting arrest," and show that complainant exacerbated the damage to his thumb by removing the splint himself. Only after this exacerbation did the complainant file a claim with the city for this injury, which caused the OCC complaint to be filed; the complainant did not contact the OCC directly to complain of police misconduct. The witness officers stated to OCC that they did not see unnecessary force being used on the complainant. The officer who handcuffed the complainant stated he did not use unnecessary force on the complainant to handcuff him. A preponderance of the evidence proves that the injury to the complainant was not received from the unnecessary or excessive use of force during the complainant's arrest.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 05/15/06 **DATE OF COMPLETION:** 07/09/08 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant, who was fleeing from the police, was involved in multiple traffic collisions. He stated that one of the squad cars pushed his vehicle from behind causing him to lose control and collide with several parked cars. The driver from the first pursuing unit denied “ramming” and/or pushing the complainant’s vehicle. An internal SFPD investigation of this pursuit found that the named member was at fault for a collision by driving too fast and imposed the Department discipline upon the named member.

**SUMMARY OF ALLEGATIONS #2-5:** The officers pointed their weapons at the complainant without justification.

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

**FINDINGS OF FACT:** The named members admitted drawing their firearms and pointing them at the complainant prior to taking him into police custody. The evidence obtained by the OCC showed that the complainant had assaulted a police officer and attempted to flee in his vehicle that was chased by multiple police units. Given the circumstances of this incident, the officers’ decision to draw their weapons on the fleeing felon and point them at the complainant at the pursuit termination point was justified, lawful and proper.

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**SUMMARY OF ALLEGATION #5:** The officer used excessive force against the complainant.

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

**FINDINGS OF FACT:** The complainant stated that, having surrendered to the police after the chase involving multiple vehicle collisions, and he was lying handcuffed on the ground when some officer(s) struck him on the head with a heavy object and kicked him on the face and on his body. The complainant's medical records showed that he had multiple lacerations to his head and on his face immediately after the arrest. Four officers from the first two pursuing units denied kicking or hitting or striking the complainant during this incident. No other witnesses came forward. The available evidence was insufficient to name any specific member and to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6:** The officer used profane language at the scene.

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

**FINDINGS OF FACT:** The complainant could not provide any identifying information regarding the officer who engaged in this misconduct. All members interviewed in connection with this complaint denied the allegation. No other witnesses came forward. The available evidence was insufficient to name any specific member and to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #7:** The officer failed to properly investigate the complainant's collisions.

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

**FINDINGS OF FACT:** The complainant stated that the officer investigating the collisions leading to his arrests falsely claimed that he was injured only because of the collisions and not because of the excessive police force. The statements from the named member and four officers involved in the complainant's arrest were inconclusive. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/10/08 **DATE OF COMPLETION:** 07/04/08 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant failed to provide necessary information needed to forward and complete the investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated an SFPD SUV nearly ran him over. The vehicle number that the complainant provided does not exist per SFPD fleet management. There is no further information.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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

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

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

**FINDINGS OF FACT:** The complainant said the officer took her driver's license at the scene and clipped it to his clipboard. Upon being released four hours later the complainant said her identification was not included with her belongings. The officer stated he has no specific recollection of the incident and explained the mass arrest processing process. The officer said all of the property including identification is bagged or sealed in an envelope that then gets handed to transporting officer or deputy sheriffs and taken to jail to cite and release people. There are no witnesses. There is insufficient evidence to determine that the identification was lost at the scene, during transport, or at the jail and if sheriff deputies handled her property as well.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 05/22/07      **DATE OF COMPLETION:** 07/15/08      **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The officers stated to OCC in their written responses that they did not detain the complainant, but talked with her as a reporting party. The officers also stated there were no witnesses other than officers listed in computer assisted dispatch record. The complainant stated that there were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officers stated to OCC in their written responses that the complainant was not searched. The officers stated there were no witnesses other than officers listed in computer assisted dispatch record. The complainant stated that there were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/22/07      **DATE OF COMPLETION:** 07/15/08      **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #5-6:** The officers made inappropriate comments to the complainant about her gender identity.

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

**FINDINGS OF FACT:** The officers deny this allegation to OCC in their written responses, saying they did not make such inappropriate comments, and did not hear any member of SFPD make such comments. The officers also stated there were no witnesses other than officers listed in the computer assisted dispatch record. The complainant stated that there were no witnesses, as well. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/12/08 **DATE OF COMPLETION:** 07/22/08 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-3:** The officers failed to conduct a proper investigation.

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

**FINDINGS OF FACT:** The complainant stated there were no witnesses present when her housemate threatened her. She stated her housemate left before the officers arrived. The complainant stated the officers should have interviewed her neighbors during their investigation. The officers stated they talked to the complainant's neighbors as well as the housemate's wife but did not document their names in the incident report. The complainant's next-door neighbors failed to respond to several contact attempts by this agency. Ultimately, the officers had no duty to find and interview witnesses when there were no witnesses to the housemate's threat. The officers conducted a proper investigation.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/12/08 **DATE OF COMPLETION:** 07/10/08 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to promptly respond to the complainant's telephone messages and to provide the complainant with a case number concerning the complainant's stolen bicycle. According to the complainant, the officer's failure to do so led to the loss of the bicycle. The named member stated that he received only one telephone message from the complainant, to which he responded. According to the officer, the complainant did not want to wait until the officer could locate the relevant case number. There were no identifiable witnesses to the complainant's interaction with the officer. The available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/12/08 **DATE OF COMPLETION:** 07/31/08 **PAGE#** 1 of 2

**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. The complainant's wife and stepson also stated that the officer used profanity. Two witnesses stated the complainant was irate and aggressive, and stated that the officer always addressed the complainant as "Sir" and did not use any profanity. Three officers at the scene stated the officer did not use profanity. The named officer denied using profanity and stated the complainant acted aggressively despite repeated attempts to calm him. There were no additional witnesses or evidence to further prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer failed to conduct field sobriety tests on the other party in a traffic accident. The complainant's wife and stepson stated they believed the other driver was intoxicated but could not describe any objective signs of intoxication. The driver stated that he does not drink alcohol. A witness supported the driver's statement. One officer at the scene stated the driver was not intoxicated. Another officer stated he did not recall if the other driver exhibited any objective signs of intoxication. A third officer stated he had no contact with the other driver. The named officer stated he has conducted over one hundred drunk driving incidents and stated that the other driver did not exhibit any objective signs of intoxication. He and another officer stated that the complainant left the scene then returned and yelled at the officer "You should arrest that guy! He is drunk!" The officer's actions were proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/12/08 **DATE OF COMPLETION:** 07/31/08 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The officer cited the complainant pursuant to a valid citizen's arrest. The officer's conduct was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/20/08 **DATE OF COMPLETION:** 07/22/08 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately and/or made inappropriate comment(s).

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

**FINDINGS OF FACT:** The complainant alleged that the officer referred to her son as “Black” instead of using the word “African-American.” Using as a standard the applicable regulations of the Department, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/21/08   **DATE OF COMPLETION:** 07/10/08   **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 10, 2008.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 10, 2008.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/21/08 **DATE OF COMPLETION:** 07/10/08 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer used sexually derogatory comments.

**CATEGORY OF CONDUCT:** SS **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 10, 2008.

**SUMMARY OF ALLEGATION #4:** The officer failed to investigate.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 10, 2008.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The officer misused a Department computer terminal.

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

**FINDINGS OF FACT:** The complainant stated that a neighbor of his told him that a friend of hers who was a San Francisco police department officer checked criminal and other confidential personnel records concerning the complainant. The complainant's neighbor failed to respond to requests by Office of Citizen Complaints for an interview. A check of Department records did not reveal anyone accessing the Department's personnel records concerning the complainant. A check of Department records indicated that searches were run on the complainant's license plate number in late 2005, once by an officer on patrol and once at a terminal located at a police station. Two driving records searches were run on the complainant's name in late 2006 from a computer terminal at the Hall of Justice, however, there was no login ID associated with these searches, and therefore no way to determine who ran them. There is insufficient evidence to identify an officer or to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/08 **DATE OF COMPLETION:** 07/26/08 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he did not know why he was cited. He stated he had been drinking alcohol that night. A nightclub employee stated the complainant was ejected from a bar. He also stated the complainant returned to the bar and kicked him. The nightclub's bartender confirmed this account. The bouncer told the officers he wanted to make a citizen's arrest. The officers accepted the citizen's arrest and, based on probable cause, cited the complainant for battery and trespassing pursuant to a valid citizen's arrest. The officer's conduct was proper.

**SUMMARY OF ALLEGATION #1:** The officer failed to return the complainant's identification card.

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

**FINDINGS OF FACT:** The complainant stated the officer did not return his California Identification card when he was cited. The officers and his partner stated that the complainant's identification card was returned to him with his citation. Both officers stated the complainant showed objective signs of intoxication. In fact, the complainant had been ejected from a bar that night. The complainant acknowledged that he had been drinking. In addition, the complainant could not provide the correct date of his arrest. The preponderance of evidence supports a proper conduct finding.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/15/08 **DATE OF COMPLETION:** 07/22/08 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/22/08    **DATE OF COMPLETION:** 07/23/08    **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 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:** 05/27/08    **DATE OF COMPLETION:** 07/28/08    **PAGE#** 1 of 1

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

**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 07/28/08.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/27/08 **DATE OF COMPLETION:** 07/11/08 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 07/10/08.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 07/10/08.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/28/08 **DATE OF COMPLETION:** 07/15/08 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The alleged misconduct conduct described by the complainant and her mother did not rise to a level of misconduct. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/26/07 **DATE OF COMPLETION:** 07/18/08 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the officer did not properly investigate the incident, in which an unknown individual hit him in the face. The named member stated that she, in fact, investigated this incident together with several other officers. Two of the complainant's friends, who were present at the scene, did not respond to the OCC's requests for their statements. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #2-3:** The officers acted inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that, after the incident, several officers subjected him to humiliating treatment and comments. One of the officers identified by the complainant denied acting in the alleged manner. This statement was supported by another officer who was present during some parts of the incident. The available evidence was insufficient to identify all members present at the scene at the time and to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/09/08    **DATE OF COMPLETION:** 07/23/08    **PAGE #** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officers wrongfully detained her. The complainant admitted that she had signed an agreement with owners of a hotel not to enter the hotel premises or to be on hotel property. The complainant stated she went onto the hotel property. San Francisco Police Department records show that the officers were dispatched to the hotel at the request of hotel employees to deal with a trespasser. Officers detained the complainant for an investigative detention regarding trespassing on the hotel property. The hotel requested the officers advise the complainant not to return to the property but wanted no further police action. The evidence, including the complainant's admission that she entered the hotel when she had agreed not to be on the property, shows that the officers acted appropriately and lawfully when they detained the complainant for trespassing.

**SUMMARY OF ALLEGATION #3:** For force used during a detention.

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

**FINDINGS OF FACT:** The complainant stated the officer handcuffed her to the rear of her body instead of to the front of her body as she requested. Department policy and procedure is that handcuffs are placed on persons behind their back for safety reasons. The officer acted appropriately and lawfully when he placed handcuffs on the complainant behind her back, pursuant to accepted department policy and law enforcement procedures.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/10/08    **DATE OF COMPLETION:** 07/04/08    **PAGE#** 1 of 1

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

**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:** 06/10/08      **DATE OF COMPLETION:** 07/23/08      **PAGE #** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated a neighbor agreed to keep her property for two weeks. When she asked the neighbor for a time extension, the neighbor refused and put her property on the sidewalk. The complainant called the police who arrived and went to the neighbor's room with the complainant. The neighbor refused to open his door when the officer requested to speak to him. The complainant stated the officers "were aiding and abetting criminal activity instead of doing their jobs" when they told the complainant this was a civil matter. From the complainant's statement to OCC, no elements of a crime existed because of the neighbor's actions. Since there was no crime, there was no requirement that the officers either write a report or call for a supervisor when no crime was committed. The evidence showed that the act which provided the basis for the allegation did occur, however pursuant to the applicable rules of the San Francisco Police Department, officers acted appropriately and lawfully.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/12/08    **DATE OF COMPLETION:** 07/04/08    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant withdrew his OCC complaint and said he would contest the citation in court.

**SUMMARY OF ALLEGATION #:**

**CATEGORY OF CONDUCT:**

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/13/08 **DATE OF COMPLETION:** 07/04/08 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1-2:** The officers searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The officers searched the complainant's residence pursuant to a valid search warrant. Their conduct was proper.

**SUMMARY OF ALLEGATION #3-4:** The officers seized the complainant's property without cause.

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

**FINDINGS OF FACT:** The officers seized the complainant's property pursuant to a valid search warrant. Their conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/13/08 **DATE OF COMPLETION:**07/26/08 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he is homeless and was removing his possessions from his sister's apartment during a police standby. The complainant stated he needed to pawn those items. He stated that, at one point, his sister told the officer that some of the property he was taking belonged to her. The complainant's sister stated the complainant "has a lot of problems" was very agitated. When he was told he could not take his sister's property, he sat on the floor and wouldn't get up. She stated when the complainant finally got up, he pushed the officer. She stated the officer placed his hand on the complainant's back and forcefully guided him outside. She stated the officer did not do anything inappropriate, did not use any profanity and did not call the complainant any names. The officer denied acting inappropriately. He stated the complainant was hysterical and had a "mental meltdown" in his sister's apartment. The officer stated he helped the complainant get up from the floor and escorted him outside the building. This allegation is unfounded.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/17/08 **DATE OF COMPLETION:** 07/30/08 **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/17/08 **DATE OF COMPLETION:** 07/30/08 **PAGE#** 2 of 2

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/12/07      **DATE OF COMPLETION:** 07/15/08      **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/19/08    **DATE OF COMPLETION:** 07/10/08    **PAGE# 1 of 1**

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

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

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

San Francisco Sheriff's Department  
Investigative Services Unit  
25 Van Ness Ave. # 350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant stated that an unknown person threw a rock and damaged her front door at 11:00 p.m. The complainant informed the officer that she did not get along with her neighbors but could not provide any suspect information because she did not observe the incident occur. The officer inspected the damaged door, wrote an Incident Report entitled Vandalism and had the damage door photographed. No evidence was provided or available to investigate this case as there were no known suspects nor was the incident observed by either the officer or the complainant. The evidence showed that the officer actions in investigating this incident were proper when he documented that event with an incident report and photographs of the damage.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/08 **DATE OF COMPLETION:** 07/28/08 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/08 **DATE OF COMPLETION:** 07/04/08 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Adult Probation Department.

**CATEGORY OF CONDUCT:** N/A **FINDING:** IO1 **DEPT. ACTION:**

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Adult Probation Department.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 06/25/08    **DATE OF COMPLETION:** 07/04/08    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers issued citations without cause.

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

**FINDINGS OF FACT:** The complainant was cited for having an expired registration. The complainant admitted that the registration on his vehicle was expired at the time the citations were issued. The evidence proved that the acts, which provided basis for the allegations, occurred. However, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

**CATEGORY OF CONDUCT:**

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/23/07      **DATE OF COMPLETION:** 07/22/08      **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officers had no probable cause to place him under arrest for vandalism to a vehicle. The officers stated they interviewed a percipient witness to the vandalism in question. The OCC interviewed the witness separately as well as the victim. The victim stated his vehicle and his business vehicle had been vandalized multiple times by an unknown person. The witness stated he observed the complainant vandalizing the vehicle and reported his observations to the police officers. A citizen's arrest was accepted by the officers. The percipient witness observed the complainant had matching paint on his hands. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #3-4:** The officers entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers wrongfully entered his home to arrest him. The complainant stated the officers entered his open gate, as he rang the security buzzer to allow his father to enter. The witnesses stated the complainant's father opened the gate with a key. The complainant was observed standing at the open gate, within arms reach and the officers placed him under arrest. The officers admitted entering the open gate, stating they did so to place the complainant under arrest. The officers said a percipient witness told them the complainant just vandalized a neighbor's vehicle. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/23/07      **DATE OF COMPLETION:** 07/22/08      **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated the officers used profane language during his arrest. One witness standing nearby stated the officers did not use profanity. The second witness stated he was not close enough to hear everything the officers said. The officers denied the allegation. The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #7:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated the officer used unnecessary force to place him under arrest and on his father. The witnesses refuted the complainant's statement. They said the complainant sought to evade arrest. The moment of arrest came when the complainant met his father at the ground floor security gate. Witnesses stated the complainant's father unlocked the gate with a key. The witnesses saw the officers at the gate, removing the complainant to arrest him. The complainant's elderly father tried to physically impede the officers from taking the complainant into custody. The named officer, per one of the witnesses, "set him aside." This same witness stated he was surprised the officers did not arrest the complainant's father. The named officer stated he pushed the complainant's father because he sought to physically block the arrest. The named officer, as well as his partner declined to charge the complainant's father with obstructing the arrest due to his age. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/27/08    **DATE OF COMPLETION:** 07/31/08    **PAGE#** 1 of 1

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

**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:** 06/27/08      **DATE OF COMPLETION:** 07/10/08      **PAGE# 1 of 1**

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1 & 2:** The officers failed to take required action.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/02/08      **DATE OF COMPLETION:** 07/15/08      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she called police when she found two persons in the backyard of her rented residence. The residence is a two unit building that is in foreclosure. The complainant is aware that the foreclosing bank is sending persons into the vacant unit and common areas of the residence to clean those areas. The officer responded to the call but according to the complainant, the two persons were gone when the officer arrived. The complainant further stated that no one was injured, no property was missing and she did not believe that anyone had entered her residence through an unlocked second floor window where a ladder had been found near the open window. This was explained to the officer. The complainant felt that the officer should have photographed the ladder, found the two persons who were on the property and taken steps to protect her. The evidence showed that pursuant to the complainant's admissions, no crime had been committed. The officer searched the area and asked appropriate questions regarding the departed two persons. No incident report was required since there was no evidence of a crime and the officer would not have been required to photograph a ladder leaning up against the building when no evidence of a crime had been established. The investigation showed that the officer acted appropriately.

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

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

**FINDINGS OF FACT:** The complainant stated that on June 9, 2008, a man opened and closed her bedroom door in the complainant's rental unit, part of a two unit building currently in foreclosure. The complainant became scared, chased the man and questioned him. The man identified himself by name and told the complainant to speak to his boss. The complainant spoke to the man's boss by telephone who stated they were sent there by the foreclosing bank to clean the house. The man left her unit and she later heard him in the upstairs unit. The following day the complainant went to Richmond Station and filed an incident report regarding the matter. The complainant stated that on June 23, 2008 she received a call from an unknown burglary Inspector who told her that he spoke to the male suspect who confirmed that he was working for the bank. The complainant stated that she did not want the suspect arrested. However, she wanted the Inspector to find out the truth and tell her about it. The evidence provided by the complainant showed that the Inspector informed her of his investigation that corroborated what she already knew. The evidence showed that the Inspector was truthful in his investigation and acted appropriately.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 07/28/08.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 07/28/08.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/01/07 **DATE OF COMPLETION:** 07/18/08 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant alleged that the officers failed to properly investigate the theft of his musical instruments taken from his vehicle. The Incident Report shows that the officers properly investigated and documented the incident in question. The Incident Report further shows that the complainant provided no suspect information and that the only available witness was interviewed by the officers. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** This complaint raises matters not within OCC's jurisdiction. The complaint has been referred to the: Juvenile Justice Center  
375 Woodside Avenue  
San Francisco, CA 94127

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The officer failed to answer reasonable questions.

**CATEGORY OF CONDUCT:** ND

**FINDING:** PC

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant alleged the named officer did not provide the complainant with answers to reasonable questions. The complainant stated he and a group of friends attended a baseball game at AT&T Ballpark. The complainant admitted he and his friends had been drinking heavily and stopped watching the game after the fourth inning when the home team began losing and admitted he and his friends heckled the visiting team. The complainant admitted one of his friends aggressively heckled a fan of the visiting team, accompanied by a young child. The named officer observed this conduct and verbally admonished them. The complainant claimed he did not understand this was an admonishment, but the plain words of the officer did not reasonably provide for another interpretation. When the complainant's friend was later arrested by different officers, the complainant sought to learn why his friend was arrested. The named officer responded that he had already warned the complainant and his friends regarding their conduct. The officer was on patrol on private property. The rules of AT&T Ballpark clearly state in numerous locations that guests who are in an impaired state, using foul language or otherwise in violation of the house rules are subject to immediate ejection or possible arrest. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION:**

**CATEGORY OF CONDUCT:**

**FINDING:**

**DEPT. ACTION:**

**FINDINGS OF FACT**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The evidence provided by the complainant described acts by the officer that were lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant alleged the officers failed to properly investigate a reported battery incident. He alleged the officers failed to separate the witnesses providing them with the opportunity to collaborate on a common account of what occurred. The complainant alleged the officers had specific duties and that they failed to accomplish them. The Office of Citizen Complaints attempted to interview the percipient witnesses to the incident, but was barred by counsel from doing so. The Office of Citizen Complaints obtained transcripts of the witnesses' depositions in the complainant's pending civil suit. The witnesses stated under oath that they were either separated from each other or could not hear what either was saying during their individual police interviews. The officers denied the allegation. The officers who interviewed the principal witnesses stated that at the time of the incident, and during the Office of Citizen Complaints investigation concluded they could not determine who was the primary aggressor. They said they separated the parties and individually interviewed them, in conformity with best practices. 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 #3:** The officer wrote an incomplete and inaccurate report.

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

**FINDINGS OF FACT:** The complainant alleged the reporting officer omitted key information from the Incident Report following a reported battery incident. The complainant alleged the reporting officer misrepresented his side of what occurred in his report, specifically noting that the report should have contained his denial of the alleged battery, in essence a tailored document. The Office of Citizen Complaints attempted to interview the percipient witnesses to the incident, but was barred by counsel. The named officer followed the standards of report writing, as set forth by the applicable Report Writing Manual. Those standards include, but are not limited to, the inclusion of how the officer was advised of the situation, and the elements of any offense. The named officer learned a physical altercation occurred between the complainant and another person in his absence. The officer complied with applicable report writing standards and adequately reflected his conclusions in his report. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer failed to perform multiple duties. The complainant alleged the officer failed to use accepted investigative techniques when interviewing the alleged perpetrators. The Office of Citizen Complaints learned the officer separated the witnesses and interviewed them individually. The witnesses stated in sworn depositions that they either could not hear each other speak or they could not see the other witness speaking to police. The complainant alleged the officer, by offering him an ambulance, materially misrepresented his refusal of such ambulance by stating he refused "all medical treatment." The officer offered the sole medical treatment he was authorized by statute to provide, to wit, an ambulance. The complainant refused an ambulance. The officer denied the allegation. The officer stated all parties were separated and then interviewed. The officer offered an ambulance to treat the complainant at the scene for his injuries, but the complainant refused an ambulance. The officer offered the complainant and the other parties a citizens arrest, per Department General Order 5.04, as required when the primary aggressor cannot be identified. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #5:** The officer acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated the officer was rude and yelled at him. The Office of Citizen Complaints attempted to interview the percipient witnesses to the incident, but was barred by counsel from doing so. The Office of Citizen Complaints obtained transcripts of the witnesses' depositions in the complainant's pending civil suit. The transcripts of the witness statements did not reveal any information regarding the conduct of the officer toward the complainant or the witnesses. The Office of Citizen Complaints contacted two additional witnesses not subject to any restrictions by pending litigation. Neither of these witnesses observed the contact between the complainant and the police officer. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/15/08      **DATE OF COMPLETION:** 07/18/08      **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/15/08      **DATE OF COMPLETION:** 07/23/08      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Police Department's Bayview Station.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATIONS #1-2:** The officer seized and collected evidence without cause or justification.

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

**FINDINGS OF FACT:** The complainant stated that officers involuntarily seized DNA evidence from him. The complainant stated that officers showed him, and left with him a search warrant signed by a magistrate to gather the DNA evidence. The complainant stated he was unsure of the authenticity of the search warrant. The complainant provided OCC with a copy of the signed search warrant permitting the officers to obtain saliva samples by swapping the inside mouth of the complainant. The investigation showed that the search warrant was “authentic” and the officers acted appropriately when obtaining the DNA saliva sample.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/18/08    **DATE OF COMPLETION:** 07/24/08    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was walking his dog on the Great Highway and as he was crossing the street, he was “almost killed” by a federal park police cruiser traveling at a fast speed with lights, but no siren. The complainant called the Park Police and complained about the incident, but also called the San Francisco Police Department and filed an incident report. The complainant alleged that the SFPD failed to investigate the incident in question. Department records show that a report was made, and that the report was appropriately forwarded to the Park Police for investigation. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/16/07 **DATE OF COMPLETION:** 07/15/08 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** In his OCC statement, the complainant acknowledged that he hit the officer and then tried to escape from the scene. Given the complainant's admission, his arrest was lawful, proper and justified.

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

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

**FINDINGS OF FACT:** The complainant failed to provide the additionally requested information necessary for meaningful investigation of his complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/16/07 **DATE OF COMPLETION:** 07/15/08 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION # 3:** The officer wrote an inaccurate report.

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

**FINDINGS OF FACT:** The complainant failed to provide additionally requested information necessary for a meaningful investigation of his complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/23/08      **DATE OF COMPLETION:** 07/26/08      **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/24/08      **DATE OF COMPLETION:** 07/29/08      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** Unidentified officers follow the complainant wherever she goes.

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

**FINDINGS OF FACT:** 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  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/28/08    **DATE OF COMPLETION:** 07/29/08    **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department  
25 Van Ness Avenue, Suite 350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/30/08    **DATE OF COMPLETION:** 07/31/08    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The complaint raises matters outside OCC's jurisdiction.

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

**FINDINGS OF FACT:** The complainant alleged that "officers" working at Department of Emergency Communications are inattentive to their duties. Department of Emergency Communications confirmed they have no members of the San Francisco Police Department assigned to Department of Emergency Communications or working at Department of Emergency Communications. Department of Emergency Communications stated the complainant may be referring to SFFD officers or Department of Emergency Communications employees. The complaint raises matters not within OCC jurisdiction. The complaint has been referred to:

Department of Emergency Communications  
1011 Turk Street  
San Francisco, CA

FAX 415 588-3869

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/12/07    **DATE OF COMPLETION:** 07/26/08    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to make an arrest.

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

**FINDINGS OF FACT:** The co-complainant stated that one of the complainants was assaulted in the presence of two officers. The co-complainant and witnesses stated they observed the complainant seek assistance from the arriving officers and the officer's lack of response to the complainant's request to arrest the suspect. The co-complainant's and witness' statements were inconsistent to what the arriving officers could have observed and to when the officers arrived on scene. There were also inconsistencies in what the officers allegedly said at the scene in response to the requests for arrest. The officers denied the allegation. The officers denied any involvement in this incident or any contact with the complainant or the witnesses. There are no Department records that show any SFPD officer contact with the complainants or the witnesses. The officers admitted they were in the area but stated no one approached them, they observed no fights and they did not observe any person with injuries. There were no independent witnesses who came forward during the investigation to corroborate the statements made by the complainant and the witnesses or the officers. There was insufficient independent evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to investigate.

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

**FINDINGS OF FACT:** The co-complainant stated the officers failed to investigate criminal activity that took place in their presence. The complainant said the officers observed a woman strike her in the forehead with a shoe, causing her to bleed extensively from the wound. The complainant said the officers offered her an ambulance, but made inappropriate remarks as to her age and the reason for her alleged purpose for being out at night. The complainant stated she wanted her assailants arrested and the matter investigated. The co-complainant and witnesses supported the complainant's account of the assault but gave inconsistent statements as to the officer's arrival on scene and the officer's responses to the complainant. The officers denied the allegation, stating they observed no criminal activity, they observed no altercation and no one approached them with an injury or a request to investigate or arrest any suspects. No independent witnesses came forward during the investigation to corroborate either the co-complainants or the officers. There was insufficient independent evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/12/07    **DATE OF COMPLETION:** 07/26/08    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The co-complainant stated the officers made inappropriate remarks to them and their friends when they sought to report a crime. The officers denied any contact with anyone at the scene including the co-complainants or the witnesses. Neither the complainants nor the witnesses could sufficiently identify which of the two named officers made which inappropriate remarks to them with substantial certainty. No independent witnesses came forward during the investigation to corroborate either the complainants or the officers. There was insufficient independent evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/03/07      **DATE OF COMPLETION:** 07/23/08      **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that another motorist deliberately struck his car, physically assaulted him, threatened him and made racial insults. The complainant told the responding officer what had happened, said he wanted the assailant arrested and pointed out that there were numerous witnesses present. The complainant said the officer seemed unconcerned, although he could not describe specific behavior that made him believe this. The officer only took statements from two or three witnesses although at least twenty-five witnesses were present. The police report prepared by the named officer includes statements from three witnesses who confirmed the complainant's account of the incident. It indicates that damage to the complainant's car was documented; that the suspect's car was towed as evidence and that a written statement was obtained from the suspect. The named officer stated that he interviewed all the witnesses at the scene who were willing to give statements. He stated that he arrested the individual who the complainant said assaulted him, had the suspect's vehicle towed as evidence and had photographs taken of the scene. A sergeant who responded to the scene stated that he and the named officer addressed the crowd asking for all witnesses to give statements. Other officers who responded stated that they did not interview any witnesses but assisted with other tasks such as traffic control, photographing the collision scene and facilitated the towing of the suspect's vehicle. A preponderance of the evidence established that the named officer investigated the incident by contacting both parties, securing physical evidence, having the scene photographed and interviewing three individuals who confirmed the complainant's account of the incident. A preponderance of the evidence established that the action complained of was proper.

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

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

**FINDINGS OF FACT:** The complainant stated that another motorist deliberately struck his car, physically assaulted him, threatened him and made racial insults. The complainant stated that he believes the investigator assigned to his case purposely weakened his case, with the result that the district attorney dismissed the charges. The named officer's activity log indicates that he received and began working on this case on the morning after the crime occurred. The log indicates the named officer ran criminal history

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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**FINDINGS OF FACT:** (Continued)

checks on the suspect, the victim and the witnesses listed in the police Incident Report, which indicated that the complainant and two of the witnesses had criminal records. It indicates that the named officer attempted to contact the complainant and the three witnesses by telephone twice that morning and left messages, but did not receive return calls. The named officer also interviewed the suspect at the county jail. The log indicates the named officer met that afternoon with the assistant district attorney handling this case, who decided to dismiss the charges due to victim witness problems. The named officer stated that he does not recall what his deadline was for submitting this investigation to the District Attorney, but thinks that because the suspect was arrested on Thursday, he was required to submit his investigation by mid-day on Friday, since the suspect would be entitled to a court appearance that day. The named officer said he presented all his materials, including the criminal history records to the District Attorney, who chose not to prosecute because he felt the victim and the witnesses had poor credibility due to their criminal records. A supervisor at the District Attorney's office told Office of Citizen Complaints that the prosecutor who handled this case explained why he was not charging the suspect to the complainant. This supervisor also explained that their policy prohibited them from discussing a charging decision with the Office of Citizen Complaints. A preponderance of the evidence established that given the available timeframe, the named officer made reasonable attempts to investigate this case. A preponderance of the evidence established that the action complained of was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that he was standing outside a friend's residence along with numerous other individuals, one of whom was confronted by an officer who had been driving by. As the officers attempted to arrest this individual, members of the crowd approached them, and the officers drew their firearms, ordered members of the crowd to back up and summoned assistance. When backup officers arrived, the complainant was verbally confronting the officers along with numerous other individuals, some of whom were using profanity and threatening the officers. The backup officers began grabbing members of the crowd. The named officer exited his car and immediately grabbed the complainant by the arm. The complainant yanked his arm away and told the named officer he was grabbing the wrong person. The named officer arrested the complainant. The named officer stated that as he arrived on the scene, he saw an officer attempting to arrest an individual, and saw the complainant, who he knew from prior encounters, ram his shoulder into that officer's back. The named officer said he ran after the complainant and arrested him following a struggle. Other officers who were present describe encountering a hostile crowd that appeared ready to lynch a prisoner, but stated they did not observe the named officer's initial interaction with the complainant. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he was standing outside a friend's residence along with numerous other individuals, one of whom was confronted by an officer who had been driving by. As the officers attempted to arrest this individual, members of the crowd approached them, and the officers drew their firearms, ordered members of the crowd to back up and summoned additional officers. When backup officers arrived, the complainant was verbally confronting the first two officers along with numerous other individuals, some of whom were using profanity and making threats. The backup officers began grabbing members of the crowd. The named officer exited his car and immediately grabbed the complainant by the arm. The complainant yanked his arm away and told the named officer he was grabbing the wrong person. The named officer punched the complainant in the face and the complainant fell face down on the ground and stopped resisting. As the named officer was handcuffing the complainant, an unknown officer struck the complainant in the back of his head with a baton and kicked him. The complainant recalled officers telling him to get on the ground, put his hands in back of him and stop resisting. An unidentified officer sprayed the complainant with a liquid agent.

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The complainant's medical records indicate he had a small laceration on his forehead and claimed to have been taken to the ground by police and struck in the head three times with a baton. Photographs taken of the complainant at the time of his arrest and on the day after his arrest depict a small scratch on the bridge of his nose.

The named officer stated that as he arrived on the scene, he saw an officer attempting to arrest an individual, and saw the complainant, who he knew from prior encounters, ram his shoulder into that officer's back. The named officer said he ran after the complainant and ordered him to stop. When he grabbed the complainant's arm and ordered him to the ground, the complainant tried to pull away from him. With another officer's assistance (witness officer 1), the named officer got the complainant on the ground, but when that officer moved away to deal with an unleashed dog, the complainant got up, began to pull away and refused to get back on the ground. The named officer said he felt threatened by the large and violent crowd. He attempted to use his pepper spray, but was unable to reach it. The named officer punched the complainant once in the face and the complainant fell forward. When the complainant began to get up again, the named officer punched him one time in the side of his head. Another officer (witness officer 2) assisted the named officer in handcuffing the complainant. The named officer said he used pepper spray on another suspect who was resisting but did not spray the complainant.

Witness officer 1 stated that when he arrived, he saw an aggressive crowd surrounding two officers. He saw the named officer grab the complainant and tell him he was under arrest. The complainant attempted to pull away. This witness officer assisted the named officer in taking the complainant to the ground. The complainant attempted to stand and pushed this witness officer. This witness officer saw a large dog coming towards him, so he drew his baton. When he redirected his attention to the named officer, he saw that he had taken the complainant into custody.

Witness officer 2 stated that he saw the named officer and two to three other officers, whose identities he did not recall, struggling with the complainant on the ground. The complainant was face down and was kicking his feet and pulling his arms close to his body. After a short struggle, this witness officer grabbed the complainant's hands and handcuffed him, then assisted with crowd control. This witness officer said he did not see any officer strike or use a liquid agent on the complainant.

Other officers who were present stated that they were focused on arresting other suspects at the scene or were dealing with a hostile crowd that had gathered and did not participate in or observe the complainant's arrest. One of the officers who was present has resigned from the Department and could not be contacted by the OCC.

None of the officers present reported seeing the named officer punch the complainant. Due to conflicting accounts and the extremely chaotic nature of the incident, which involved a hostile and threatening crowd, there is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officers used unnecessary force on the complainant.

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

**FINDINGS OF FACT:** The complainant stated that an unidentified officer struck him in the back of his head with a baton and kicked him, and an unidentified officer sprayed him with a liquid agent. The officers who were present at the scene all denied striking the complainant. At least one officer at the scene sprayed a liquid agent at members of a crowd that was threatening the officers, but none of the officers present said they directed spray at the complainant. There is insufficient evidence to identify the named officers or to prove or disprove the allegation.

**SUMMARY OF ALLEGATION # 4 & 5:** The officers towed the complainant's car without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officers towed his car without cause. The named officers said the complainant's vehicle had no license plates. When the officers checked the vehicle's VIN number with the Department of Motor Vehicles, they determined that the vehicle had not been registered since 2000. Department records confirm this. The officers said they towed the complainant's vehicle for a violation of California Vehicle Code section 4000a, which requires that vehicles operated on, or left parked on a street or in an off-street public parking facility must have a current registration. The evidence established that the action complained of was proper.

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**SUMMARY OF ALLEGATION #1:** The officer ordered that the complainant be cited without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officer, who was questioning taxi drivers lined up outside a public building, asked for his identification information, which the complainant provided. The officer asked where the complainant's taxicab driver's badge was, and the complainant indicated that it was affixed to his coat, which was on the seat beside him. The named officer had another officer accompanying him issue the complainant a citation for not wearing his badge. City regulations require that taxi drivers must constantly and conspicuously display their badge on the outside of the driver's clothing. Because the complainant was not complying with this regulation, the issuance of the citation was appropriate, and the action complained of was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to take required actions.

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

**FINDINGS OF FACT:** The complainants decided to withdraw this complaint due to personal reasons.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The officer denied the allegation. The named officer denied telling the complainant that an involved party in the accident was not required to exchange information with her. The officer stated he is aware that the lack of airbag deployment was not a factor in determining whether a report should be taken. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer failed to provide medical attention.

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

**FINDINGS OF FACT:** The officer denied the allegation. The named officer stated he verbally asked the complainant and the other involved party if they had been injured and both parties responded that they were not injured. The officer said he asked if the complainant and the other involved party, more than two times, if they needed an ambulance and they both responded that they did not. The witness officer corroborated she heard the named officer ask the complainant two to three times, if she needed an ambulance.

The witness stated after the traffic collision he got out of his car, checked to see if everybody was ok, and everyone responded they were ok. The witness said at the time of the accident and while exchanging information with the parties involved, the complainant did not say she was injured. The complainant corroborated the officer offered her an ambulance. However, the complainant said she told the officer she did not mind seeking her own medical attention. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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**SUMMARY OF ALLEGATION #3:** The officer failed to write an accident report.

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

**FINDINGS OF FACT:** The officer denied the allegation. The named officer stated the parties present at the scene denied having an injury and declined an ambulance. The officer said the parties informed him they had already exchanged their information prior to his arrival. The witness officer corroborated she heard the named officer offer an ambulance to the complainant several times. The named officer said he became aware of the CAD entry made by his partner officer after clearing the scene. The witness officer stated the named officer told her the complainant said her neck felt weird, but she would seek her own medical attention, if needed. The witness officer said, based on her own observations and without the knowledge of the named officer, she entered into CAD “518 (Vehicle Accident-No Injury) only, no injuries..., one with minor complaint to neck, but refused a 408 (Ambulance) and was able to turn side to side.” Both officers acknowledged they had just started their probationary status at the time of the incident.

The witness said he exchanged his information with the involved parties and he received information of both parties. The witness said at the time of the accident and while exchanging information with the parties involved, the complainant did not say she was injured. The complainant stated she made the named officer aware that she had injured her neck and could not move it well. However, the complainant acknowledged she told the officer she did not mind seeking her own medical attention. DGO 9.02 states in relevant part: It is the policy of the San Francisco Police Department to investigate and report the following types of vehicle accidents: (1). Vehicle accidents resulting in death or injury. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**FINDINGS OF FACT: SUMMARY OF ALLEGATION #4:** The officer failed to take required action by facilitating the exchange of information.

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

**FINDINGS OF FACT:** The named officer denied the allegation. The officer said he spoke to both parties at the scene and they affirmed they had exchanged information prior to his arrival. The witness officer said she recalled that the exchange of information had already been done prior to their arrival.

The witness stated he exchanged information with the involved parties and he received information of both parties. The complainant said one of the parties refused to provide information to her. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**FINDINGS OF FACT: SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer displayed intimidating and threatening behavior.

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer denied making any derogatory remarks or that he would enjoy arresting the complainant and towing his vehicle. The officer said he explained the elements of the crime, the process of the arrest and the consequences to the complainant's vehicle. Both witness officers denied hearing the named officer make any derogatory remarks to the complainant. The sergeant on scene stated the named officer's demeanor during the entire incident was nothing short of exemplary professionalism and was never threatening towards the complainant. One transit witness stated the officers were very patient with the complainant, never raised their voices, and tried to work with the complainant to limit the complainant's embarrassment. The utility witness said the officer handled the incident appropriately and did not force the complainant to open his trunk. The utility witness thought the officer was relaxed and was not intimidating or threatening. The other transit witness stated the officer handled the situation in a professional manner and tried to resolve the situation. The other transit witness further stated the named officer was not intimidating or threatening to the complainant while he was present. The evidence showed that the act alleged in the complaint did not occur.

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer said he was dispatched to the incident regarding a TV installer who reported his work tools had been stolen. Another TV installer witnessed a transit operator place a bag into the trunk of a red vehicle. The officer responded to the scene, interviewed the involved parties and witnesses, identified the registered owner of the involved vehicle and made contact with the transit managers. A transit manager made contact with the complainant, while on duty, and requested the complainant respond to the scene of the incident. Two witness officers arrived on scene to assist the named officer and corroborated the reason for the detention. The complainant admitted he took the tools and placed them into the trunk of his car, prior to the start of his work shift. The complainant stated he had planned to turn in the tools to the police or his employer at the end of his shift. Three witnesses corroborated the named officer's account of the reason for the investigative detention. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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**SUMMARY OF ALLEGATION #3:** The officer wrote an inaccurate Incident Report.

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

**FINDINGS OF FACT:** The officer denied the allegations. The officer stated the narrative of his incident report is his interpretation of the events of the incident. The officer acknowledged the complainant was technically arrested and he had prepared to transport the complainant to the police station. The officer stated just prior to transporting the complainant, the complainant reconsidered his options and decided to return the missing tools to the victim. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer failed to issue a Certificate of Release to the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer said he completed the Certificate of Release and provided a copy to the complainant. The officer stated he provided the copy to the complainant near the police station after the complainant returned the bag of tools to the victim. Two witness officers corroborated they observed the officer issue the certificate of release to the complainant. The issuance of the Certificate of Release was documented in the Incident Report and the copy was attached, as indicated. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper

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**SUMMARY OF ALLEGATION #1:** The officer damaged the property.

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

**FINDINGS OF FACT:** The complaint was begun as a result of a civil claim filed with the Controller's office and forwarded to OCC. The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**