

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/07 **DATE OF COMPLETION:** 10/25/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The officers stated that they detained the complainant pursuant to a report of a possible burglary in progress. The complainant said he gave the officer a key, which he said opened the front door, thereby verifying his statement that he was authorized to be there. The officer said the key did not open the door. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS 2-3:The officers handcuffed the complainant and co-complainant without cause.

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

FINDINGS OF FACT: The complainant and co-complainant stated that they should never have been handcuffed as they provided proof that the residence was their own and that they were not burglars. The officers each stated that the complainant and co-complainant were handcuffed because they were uncooperative and verbally resistant and their identities were not readily confirmable. Other officers at the scene described the complainant as uncooperative, aggressive and agitated and the co-complainant as uncooperative and interfering. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant said that, when he alleged racism, the officer retaliated against him becoming aggressive and handcuffing him. The officer denied the allegation. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION 5: The officer made a rude comment.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied hearing the alleged comment. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. A percipient witness did not respond to contact attempts. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The evidence shows that the officers conducted a thorough and complete investigation.

SUMMARY OF ALLEGATIONS #3 through 5: The officers failed to take required action.

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

FINDINGS OF FACT: The officers either denied the allegation or did not recall the incident. There was insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #6 and 7: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The officers denied the allegation. The evidence showed that the complainant has not been denied service by the SFPD or by either of the named members.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: 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 July 30, 2007.

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

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, 2007.

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The officer was officially unavailable for questioning

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers detained the complainant at gunpoint without probable cause.

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

FINDINGS OF FACT: The complainant stated several uniformed officers detained him at gunpoint. Two witnesses stated they observed this detention but could not identify the officers. Despite a thorough investigation, the officers could not be identified.

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

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

FINDINGS OF FACT: The complainant stated several uniformed officers detained him at gunpoint. Two witnesses stated they observed this detention but could not identify the officers. Despite a thorough investigation, the officers could not be identified.

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SUMMARY OF ALLEGATION #3: The officer racially profiled the complainant.

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

FINDINGS OF FACT: The complainant stated several uniformed officers detained him at gunpoint. Two witnesses stated they observed this detention but could not identify the officers. Despite a thorough investigation, the officers could not be identified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer was discourteous to the complainant.

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

FINDINGS OF FACT: When the complainant told the officer he wanted a group of senior citizens arrested for using swords while practicing “marital arts,” the officer called him a “lulu.” The officer stated that, although he informed the complainant that the swords were wooden exercise props and were not illegal, the complainant continued to insist that the senior citizens be arrested. The officer acknowledged making the remark but the remark did not rise to the level of misconduct. There were no other available witnesses. There was no additional evidence to further prove or disprove this 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 officers refused to arrest a group of senior citizens for practicing “martial arts” using swords in a public place. The officer stated he informed the complainant that the senior citizens were using wooden swords as exercise props. The officer was correct. Wooden swords are used in the practice of tai chi and are not illegal. The officer’s action was proper.

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

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

FINDINGS OF FACT: The officer could not specifically recall the incident. A witness officer only vaguely recalled the incident and did not know why the named member detained the complainant. The complainant and a witnesses that was with the complainant at the time of the detention denied that the complainant was involved in any illegal activity. A resident of the area said they have observed the complainant involved in illegal activity in the area in the past. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #2 and 3: The officers searched the complainant without cause.

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

FINDINGS OF FACT: Neither officer had any recollection of conducting a search of the complainant. A witness who was with the complainant at the time of the incident said the officers conducted a pat search of the complainant. There is insufficient evidence to determine whether the detention was justified, therefore there is insufficient evidence to reach a dispositive finding as to the reasonableness of the search.

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

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

FINDINGS OF FACT: There is conflicting evidence as to whether officers handcuffed the complainant. Even if the complainant was handcuffed, it may have been justified under the circumstances. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: Admonishing the complainant for loitering for the purposes of narcotics activity requires some evidence of his conduct. Because the officers cannot recall the specific nature of the contact there is insufficient evidence to reach a dispositive finding.

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SUMMARY OF ALLEGATION #6: The officer failed to take required action.

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

FINDINGS OF FACT: The officer does not recall the incident and the witness officer recalls no details of the incident. Neither officer recalls handcuffing the complainant or issuing the complainant a Certificate of Release. The San Francisco Police Department had no record of a Certificate of Release having been filed. A witness with the complainant at the time of the incident said the complainant was handcuffed. Without independent witnesses, there is insufficient evidence to reach a dispositive finding.

SUMMARY OF ALLEGATION #7: The officer is harassing the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. A witness who is a resident of the area in which the complainant was detained, admitted to making numerous police complaints about the complainant in the past that resulted in detentions of the complainant.

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SUMMARY OF ALLEGATION #1-2: The officer's behavior and comments 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 October 3, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers were rude and discourteous.

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 September 24, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers failed to take the 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 September 24, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer stated he observed the co-complainant drive at a high rate of speed in the slow lane and take a right turn without due regard for traffic or pedestrians. He further stated he observed the co-complainant drive 45 MPH in a posted 25 MPH zone. The complainant (the co-complainant's husband) stated the officer falsely accused the co-complainant of running a red light. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainants stated the officer accused the co-complainant of being dishonest when she denied that she was speeding. The co-complainant further stated the officer threatened to cite her for stopping in a bus zone. The officer denied behaving inappropriately and making the alleged inappropriate comments. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle improperly.

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

FINDINGS OF FACT: The complainant admitted that he was in control of the vehicle when it received more than 5 parking citations, and the citations were in the penalty phase as he had not paid or protested them when the vehicle was towed. The officer was authorized by the California Vehicle Code to tow the vehicle under these circumstances. The evidence shows that the act, which provided the basis for the allegations, occurred; however, such acts were justified lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 : The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that he never intended for his communication with the Police Department concerning this matter to be treated as a complaint, and asked that the complaint be withdrawn.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers requested confidential information 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 September 21, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said she needed assistance with exchange of information, but the officer did not assist with the exchange of information. The officer denied the allegation. The complainant did not want to provide the information of the other driver because she felt he would be biased in favor of the officer. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer walked off when she asked for a report. The complainant said that the officer was loud, yelled at her and intimidated her. The complainant then asked him for his name and badge number and the officer responded why did she need that information. The complainant told her she needed his information for insurance purposes and at that point he yelled out his badge number. The officer denied the allegation. The complainant did not want to provide the information of the other driver because she felt he would be biased in favor of the officer. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant, a homeless individual who decided to stay anonymous, stated that she was harassed by several police officers on multiple occasions. The complainant could not provide dates or times of these police contacts, nor could she describe the appearance of the involved officers. Three members, whose unit histories showed recent contacts with homeless individuals in the area, did not have any recollections of the alleged encounters. A manager from the restaurant located in the area stated that he witnessed several police encounters with a homeless female in the recent past but he did not support the complainant's allegation. The available evidence was insufficient to name any specific officer and to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer engaged in an inappropriate behavior

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

FINDINGS OF FACT: The complainant, a homeless individual who decided to stay anonymous, stated that she was physically threatened by a police officer. The complainant could not provide the date or time of this encounter, nor could she describe officer involved. Three members, whose unit histories showed recent contacts with homeless individuals in the area, identified by the complainant, stated that they never threatened people. A manager from the restaurant located in the area stated that he witnessed several police encounters with a homeless female in the recent past but he did not support the complainant's allegation of misconduct. The available evidence was insufficient to name any specific officer and to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The complainant stated a contact occurred with San Francisco Police Department on August 20, 2007 without providing further details of the contact.

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

FINDINGS OF FACT: The complainant contacted Office of Citizen Complaints by telephone and a complaint was filed for the complainant. The complainant did not complete the information needed for this complaint nor did complainant provide further additional requested information regarding the complaint. The case could not move forward without the cooperation of the complainant.

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to take the 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 October 24, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: UA

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant admitted he engaged in the behavior for which the officer cited him. The complainant stated he was compelled to run the stop sign and ride his bicycle onto the sidewalk because of an incident involving the same officer that occurred at least one-week prior. The evidence proved that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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

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

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

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

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

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

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #1: The officer 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 October 30, 2007.

SUMMARY OF ALLEGATION #2: 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 October 30, 2007.

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that an officer ordered him out of a park space deemed open to the public. On the date and time of the incident complained of, the open space was in fact not open to the public and had been subject to the permitting process, including a public notice stating that no member of the public was allowed to remain in the area. The complainant stated that other members of the public were in fact remaining in the area in question while he was ordered to leave. The OCC interviewed a witness who overheard a portion of the interaction between the named officer and the complainant. The witness overheard the officer tell the complainant he could not stay in the area in question. The complainant admitted he was in the area where the event was permitted. The investigation showed the officer acted appropriately and lawfully when issuing the order to leave the restricted permitted area.

SUMMARY OF ALLEGATION #2: The officer threatened the complainant and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest the complainant for trespassing. The officer denied the allegation. The witness did not overhear the entire conversation. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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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 officer conducted a warrants check through ECD and was advised there were several warrants that matched the complainant's name. The ECD dispatcher advised the officer based on the commonality of the complainant's name, it could not be conclusively determined whether the warrants belonged to the complainant or someone else. As a result, the complainant was arrested and taken back to Central station where a more thorough investigation was conducted in full compliance with DGO 6.18 relating to warrant arrests made in this type of situation. 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 harassed the complainant.

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

FINDINGS OF FACT: The officer issued the complainant a legal and valid citation for violation of Penal Code section 565; illegally possessing milk crate belonging to Clover Stornetta Farms. The complainant stated this incident of officer contact constituted harassment because the officer knew when he arrested the complainant the complainant had no warrants and simply wanted to harass him for something. The complainant did not contest the validity of the citation, but emphasized he thought it was issued to harass him not because he violated the law. 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 officers behaved inappropriately.

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

FINDINGS OF FACT: The identity of the alleged officers has not been established. 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 #: The officers treated the complainant in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that during a police contact in 1996, several officers “acted peculiar” and “looked strangely” at her. According to the complainant, the officers also failed to cover her whenever the robe she was wearing was slipping and partially revealing parts of her body. Given the complainant’s lack of recollection as to the identity of the involved officers and the lapse of time since the actual event, which resulted in the loss of otherwise recoverable additional evidence, the OCC was unable to conduct a viable investigation and reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers should not have detained him. The complainant stated narcotics and paraphernalia found in his vehicle were not in plain view to the officers. The complainant admitted he had an active search condition along with a want on a parole violation. The complainant stated he had registration problems with the Department of Motor Vehicles. San Francisco Police Department and CA Department Corrections Department records show that the complainant had a search condition and was a wanted person for a parole violation. The officers stated they conducted a vehicle code violation for expired registration which turned into a felony warrant and a narcotics search. The witness has not responded at this time. 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 searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officers did not have probable cause to search his vehicle. The complainant stated the narcotics found within his vehicle were not in plain view. The officers stated they saw the complainant's vehicle and discovered it had expired registration. The complainant admitted he has an active search condition and was on parole from a prior narcotics possession. The officers stated they saw narcotics and paraphernalia in plain view within the complainant's vehicle. San Francisco Police Department and CA Department Corrections Department records show that the complainant had a search condition and was wanted for a parole violation. The witness has not responded at this time. 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: 10/26/06 **DATE OF COMPLETION:** 10/20/07 **PAGE #** 2 of 3

SUMMARY OF ALLEGATION #5: The officer made a derogatory remark at the complainant.

CATEGORY OF CONDUCT: RS

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officer used a derogatory remark toward him. The officer stated he did not use or say a derogatory remark at the complainant. The witness has not responded at this time. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

CATEGORY OF CONDUCT: UF

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officers shoved and pushed him without cause. The complainant stated one of the officers who arrested him poked him with a baton. The officers stated they did not push, shove, or used any baton on the complainant. No witnesses came forward during the investigation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 10/26/06 **DATE OF COMPLETION:** 10/20/07 **PAGE #** 3 of 3

SUMMARY OF ALLEGATIONS #8-9: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he should not have been arrested because the narcotics and paraphernalia found in his vehicle were not in plain view. The complainant admitted he had an active search condition and was wanted on a parole violation. The officers stated the complainant was arrested for being in possession of narcotics and had a want on a parole violation per the CA Department of Corrections. The witness has not responded at this time. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/01/07 **DATE OF COMPLETION:** 10/15/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in rude and inappropriate comments and behavior towards the complainant.

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

FINDINGS OF FACT: The complainant acknowledged he noticed several police vehicles at the intersection where the contact occurred. The complainant stated there were no clear indicators of an in progress investigation, such as flashing hazard lights or yellow crime scene tape. The investigation revealed at the time of the incident, officers were investigating a reported shooting and attempting to locate victims' and/ or suspects. Converged at the intersection where the incident occurred are a self-serve carwash, the 101-freeway on-ramp, an off-ramp leading towards Cesar Chavez Street and Potrero Avenue and a recycling center. Based on the consistent and high noise volume of this intersection and the seriousness of the call (a shooting) the officers were there to investigate, the officer's need to give an emergency directive in a volume and tone that ensured it was heard above the noise level was imperative to public safety. The evidence proved that the acts, which provided the basis for the allegation, occurred, however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/01/07 **DATE OF COMPLETION:** 10/29/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-4: The officers 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 October 29, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/04/07 **DATE OF COMPLETION:** 10/20/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/02/06 **DATE OF COMPLETION:** 10/20/07 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated his damaged bicycle and other personal property were missing and not accounted for. The officers stated the complainant's bicycle was removed from the scene and taken to the station for property safekeeping. The officers stated there were no other properties from the complainant at the scene. The witness stated he was located inside a business and not outside at the scene and that he could not provide any information about the veracity of the complainant's allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers used inappropriate comments and behavior.

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

FINDINGS OF FACT: The complainant stated the officers were accusatory and told him he was at fault for the traffic accident. The complainant stated the officers told him not to interrupt their conversation. The officers stated they did not accuse the complainant for being at fault for the accident. The officers stated they were finding out what happened in the accident by interviewing all parties separately. The witness stated he did not hear conversations because he was located inside a business and not outside at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #5-6: The officers had a rude attitude or demeanor.

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

FINDINGS OF FACT: The complainant stated the officers did not show any empathy and were hostile toward him. The officers stated they were not hostile toward the complainant. The officers stated they were worried about the complainant's health, welfare, and safety. The witness stated he was located inside a business and not outside at the scene and did not hear conversations between the complainant and the officers. No other witnesses came forward during the investigation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #7-8: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officers failed to interview him at the scene. The complainant stated the officers used biased witnesses in their favor against the complainant. The officers stated they spoke and interviewed the complainant at the scene. The officers stated they did not use biased witnesses to aid in their investigation in favor of the involved police officer. The officers stated one unbiased witness was interviewed who sat at a nearby business establishment and saw the entire incident. The witness stated he saw the officers speak with the complainant at the scene but could not make out what they were actually saying. The witness stated he does not know the officers or the complainant involved in the traffic accident at the scene. No other witnesses came forward during the investigation. 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: 10/04/07 **DATE OF COMPLETION:** 10/16/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer entered a residence without cause.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/07 **DATE OF COMPLETION:** 10/15/07 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Office
Attn: Internal Affairs
25 Van Ness Avenue
San Francisco, CA 94102
.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/10/07 **DATE OF COMPLETION:** 10/15/07 **PAGE#** 1 of 1

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

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

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

Director
San Francisco MTA/DPT
One South Van Ness Avenue
Seventh Floor
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/07 **DATE OF COMPLETION:** 10/23/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers entered a building without probable cause.

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

FINDINGS OF FACT: The complainant stated the officers properly arrested a fugitive inside the building where she works, but stated that the officers did not have authority to enter the building. The investigation revealed that the building is open to the public and the officers did not need consent or a warrant to enter the building to pursue a fugitive. The officers' actions did not violate any Fourth Amendment protections claimed by the complainant. The officers' actions were proper.

SUMMARY OF ALLEGATIONS #

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/15/07 **DATE OF COMPLETION:** 10/23/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #: 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. It was referred for further investigation to:

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/15/07 **DATE OF COMPLETION:** 10/20/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/15/07 **DATE OF COMPLETION:** 10/16/07 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raised matters not rationally within OCC's jurisdiction.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/17/07 **DATE OF COMPLETION:** 10/20/07 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/17/07 **DATE OF COMPLETION:** 10/20/07 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The evidence established one officer prompted the complainant's detention based on reliable information the complainant was a suspect in a hit and run incident. Another officer handcuffed the complainant in order to place him inside a marked patrol car during their investigation. Therefore, the officers' actions were lawful and proper.

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

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

FINDINGS OF FACT: Although the officers had probable cause to search the passenger compartment of the vehicle driven by the complainant, there were conflicting statements between the officers and the complainant in regards to the alleged search of the vehicle's trunk. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated the complainant was handcuffed pursuant to the detention initiated by another officer, which was based on probable cause the complainant was the suspect in a prior hit and run collision. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATIONS #6: The officer failed to follow proper procedures as detailed in DGO 5.08 (154)

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

FINDINGS OF FACT: The preponderance of the evidence established that the plainclothes officer inappropriately effected a traffic stop for circumstances that were neither an on-going criminal investigation nor an aggravated situation requiring immediate action as it is required in DGO 5.08. The officer acted in violation of the restrictions set forth in DGO 5.08.

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SUMMARY OF ALLEGATIONS #7-9: The officers used inappropriate comments and behavior.

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

FINDINGS OF FACT: The officers denied the allegation and stated their questions to the complainant about the addresses were relevant to their hit and run investigation. There were no witnesses to prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-13: The officers detained the complainant for a prolonged period of time

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

FINDINGS OF FACT: The complainant said he produced his two driver's licenses to the officers who detained him approximately two to three hours without justification. The officers involved in his detention, who acknowledged the complainant was detained over an hour, gave conflicting statements regarding the kind of information the complainant produced so the officers could determine whether the complainant was a licensed driver. There is no dispute the officers queried incorrect information in an attempt to establish whether the complainant possessed a valid license. There is insufficient evidence, however, to prove or disprove what information the officers possessed, which caused confusion and prolonged the complainant's detention so that an investigation could be completed.

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DATE OF COMPLAINT: 12/06/06 **DATE OF COMPLETION:** 10/05/07 **PAGE# 4 of 8**

SUMMARY OF ALLEGATION #14: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated several property items were temporarily seized during his detention. The officers acknowledged they seized only the car and its keys during this prolonged detention. None of the property in question was retained by SFPD members, and since the complainant was not arrested, it was not documented anywhere. There were conflicting statements between the complainant and officers over whether or not the complainant gave them consent to check and search his residence with his keys. There were no witnesses to prove or disprove whether or not the complainant gave the officers consent. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer entered a residence without cause.

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

FINDINGS OF FACT: The preponderance of the evidence established that three officers responded to a residence, where the residents gave consent to one officer to enter and search a bedroom suspected to be used by the complainant. The officer's actions were lawful and proper under the circumstances.

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SUMMARY OF ALLEGATION #16: The officer searched a residence without cause.

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

FINDINGS OF FACT: The preponderance of the evidence established that three officers responded to a residence, where the residents gave consent to one officer to enter and search a bedroom suspected to be used by the complainant. The officer's actions were lawful and proper under the circumstances.

SUMMARY OF ALLEGATION #17-19: The officers made a warrantless entry into a residence to search the complainant's bedroom absent exigent circumstances.

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

FINDINGS OF FACT: The preponderance of the evidence established the officers made a warrantless entry into a residence to search the complainant's bedroom when there were no exigent circumstances present.

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SUMMARY OF ALLEGATIONS #20-21: The officers failed to follow proper procedures as detailed in DGO 9.06.

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

FINDINGS OF FACT: The preponderance of the evidence established the officers drove the complainant's vehicle from the scene of his detention to the police station without first obtaining supervisory approval. The officers also failed to document in the narrative of the report the identity of the supervisor, the time he/she was contacted, and reason for driving the vehicle instead of towing it. The officers' actions and omissions were violations of DGO 9.06.

SUMMARY OF ALLEGATION #22: The officer failed to follow proper procedures as detailed in DGO 9.06.

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

FINDINGS OF FACT: As the reporting officer it was his duty to ensure that a supervisor was contacted and approval to move the vehicle obtained. The officer, however prepared the report four months later under the advisement of a senior officer who directed him to document the detention.

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SUMMARY OF ALLEGATION #23: The officer failed to properly process the complainant's driver's license, wallet, telephones, and keys.

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

FINDINGS OF FACT: The officer denied the allegation and other witnesses in the station could prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #24: The officer failed to issue the complainant a Certificate of Release.

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

FINDINGS OF FACT: The preponderance of the evidence established the officer did not issue the complainant a certificate of release at the end of this prolonged detention in violation of DGO 5.03.

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OCC Added Allegation:

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

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

FINDINGS OF FACT: The officer admitted he should have written the Incident Report for this prolonged detention and failed to do so. The officer stated he realized no report was written until he received a copy of the OCC complaint four months after the incident.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/13/06 **DATE OF COMPLETION:** 10/20/07 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The officers stated they exercised a probation search and recovered drugs in the complainant's vehicle, his home, and drugs were retrieved from his trachea. The medical records document that the complainant had ingested a bag of drugs. Court records document that the complainant had a warrantless search condition at the time of the arrest.

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

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

FINDINGS OF FACT: The complainant said he was he was subjected to unnecessary force. The complainant said an object later identified as a yawara stick was pressed against his neck and he blacked out. The complainant said he had bruises on his neck and ribs. The officers denied the allegation. Photographs of the complainant's injuries show some abrasions in the area of the mastoid, cut on lip, mark on wrist, small abrasions on hands, and a couple of scratches on torso. The complainant admitted he was resisting by not opening his mouth. The paramedic records document that the complainant was kicking in the ambulance, medical records document the complainant stated he used crystal methadrine prior to his arrest, but denied swallowing a bag of cocaine. The records document that a bag was retrieved from his trachea. There are no witnesses to the strip search. There is insufficient evidence to prove or disprove that the officers used excessive force or that the injuries were due to the complainant's resisting.

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DATE OF COMPLAINT: 12/13/06 **DATE OF COMPLETION:** 10/20/07 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The officer stated that the manner, in which he used the yawara stick for pain compliance, was not a reportable use of force. The complainant's public defender provided photos of injuries to the complainant's neck that suggest that the yawara stick was used to apply more than just the pain compliance technique. The complainant admitted to verbally resisting an order to open his mouth. The supervising officer stated the officer did not report any use of force to him and believed the officer followed the reporting requirements per the plainclothes officer's Yawara Stick Training and concurs that the use of the yawara stick in this incident did not constitute a reportable use of force. There is insufficient evidence to prove or disprove that the manner in which the yawara stick was applied was a reportable use of force.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/26/06 **DATE OF COMPLETION:** 10/08/07 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer ordered her to move on because she did not have a sound permit. The officer stated he ordered the complainant to cease the use of amplification equipment on BART property. The officer had the authority to order the complainant to move on per DGO 5.03 E and to enforce Penal Code 640 (b) (3), however, the officer advised the complainant instead of citing her.

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

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

FINDINGS OF FACT: The complainant stated the officer tried to take the megaphone, intimidated her with handcuffs, and raised his voice and told the complainant's daughter to be quiet. The officer denied the allegation. One witness, an associate of the complainant corroborated her version of events. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation

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DATE OF COMPLAINT: 12/26/06 **DATE OF COMPLETION:** 10/08/07 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer spoke to her in English so she tried to use her daughter as an interpreter, but the officer told the daughter to be quiet and spoke Spanish to another female at the scene. The officer stated that he speaks in English until he determines that the person can only understand Spanish. The Department policy is for an officer to summon an interpreter once he or she has made a determination that the person is "Limited-English Proficient" (LEP.) Because he is a Spanish-language interpreter, the officer was not required to summon an interpreter. The officer communicated in Spanish at the scene once he determined the complainant was LEP. The complainant believed the officer's use of English was meant to intimidate her. The witness did not know what the officer and complainant were talking about but said it took a lot of effort for the complainant to communicate with the officer. Other witnesses did not come forward. 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: 02/09/07 **DATE OF COMPLETION:** 10/02/07 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer littered.

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

FINDINGS OF FACT: The complainant stated that he saw an officer discard a coffee cup from his police vehicle. The vehicle numbers provided by the complainant did not match that of any vehicles assigned to this station. The captain of the station was queried and conducted a poll of his officers but was unable to identify the involved officer. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/20/07 **DATE OF COMPLETION:** 10/16/07 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the officers did not tell her why they were there nor did they ask her what happened in her apartment. The witness stated the officer did not tell her daughter the reason they were there and did not ask her daughter any questions to determine what occurred. Other witnesses did not come forward. The officers stated they responded to a complaint of a person behaving violently, that they investigated the situation and detained the complainant for psychiatric evaluation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 4-5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers responded to calls from persons residing in the same apartment building as the complainant. There is no dispute that the complainant was out of control, damaging property and behaving violently. The complainant was detained pending investigation to determine if she was a danger to herself or others. The officers' actions were lawful, justified and proper.

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DATE OF COMPLAINT: 03/20/07 **DATE OF COMPLETION:** 10/16/07 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The complainant stated the officer did not read the detainment an advisement and she was not given the opportunity to bring personal belongings. The officer denied the allegation. The witness stated the officers told her that the complainant was going to be taken to PES for a 72-hour hold but said the officers never told the complainant where they were taking her or why. The complainant refused to provide a medical release. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 7-9: The officers entered the complainant's apartment without consent or a warrant.

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

FINDINGS OF FACT: The complainant stated the officers rushed into her apartment when she opened the door. The complainant said she did not give the officers permission to enter. The officers said this incident was a psychiatric emergency. The officers had the authority to enter the complainant's apartment under the Community Care Takers Emergency Doctrine.

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SUMMARY OF ALLEGATIONS #10-12: The officers searched the complainant's apartment without consent or warrant.

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

FINDINGS OF FACT: The complainant stated the officers searched her apartment. The officers stated they searched the bathroom and other areas where complainant may have had medication. Per DGO 6.14, officers have the authority to seize medication and/or weapons.

SUMMARY OF ALLEGATIONS #13: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officer altered the application for 72 Hour Detention for Evaluation and Treatment. The complainant said that the SFPD copy differs from the SFGH-PES copy. The complainant refused to sign a medical release. There is sufficient evidence to prove that the appropriate documentation was generated.

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SUMMARY OF ALLEGATION # 14: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the officer lied on the Incident Report. The officer denied the allegation. The witness stated the complainant did not scream at the officers and said that she and the complainant were both so shocked at how the officers entered and handcuffed the complainant that they were practically speechless. The witness stated the complainant was in shock, not catatonic. Witnesses did not come forward. The complainant refused to sign a medical release form. There is insufficient evidence to prove the allegation.

SUMMARY OF ALLEGATION # 15: The San Francisco Police Department's policy and procedures for sending numerous officers to a call of this nature was inappropriate.

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

FINDINGS OF FACT: The complainant stated that too many officers responded to her apartment, which she felt was intimidating. There is no policy on the number of officers that can respond to a call.

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DATE OF COMPLAINT: 03/12/07 **DATE OF COMPLETION:** 10/08/07 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: In a letter to Office of Citizen Complaints, the complainant said the officer used profanity. The complainant failed to respond to letters requesting an interview. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: In a letter to Office of Citizen Complaints, the complainant said the officer cited him without cause. The complainant failed to respond to letters requesting an interview. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: In a letter to Office of Citizen Complaints, the complainant said the officer shouted at him, threatened to take him to jail and made an inappropriate comment. The complainant failed to respond to letters requesting an interview. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/22/07 **DATE OF COMPLETION:** 10/02/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested for selling drugs. The complainant stated that she did not sell drugs. The officers stated the complainant was arrested after being observed selling drugs and after the recovery of marked city funds. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5-6: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers threw her to the ground, punched her in the stomach, kneed her, kicked her, opened her mouth, grabbed her by the neck, handcuffed her, then struck her again. The officers denied the allegation. A homeless witness was not available for interview. Another witness did not respond to contact attempts. The complainant stated she did not complain of any pain to the officers and the medical records do not document any recent trauma or injuries. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7-10: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the officers lied as to the sequence of events. The complainant said she was alone when the undercover officer asked her if she had any drugs and did not sell anything to the officer. The complainant said she never had possession of the marked city funds. The officers denied the allegation. A homeless witness was not available for interview. Another witness did not respond to contact attempts. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant stated the officer wrote a false Incident Report. The officer denied the allegation. A homeless witness was not available for interview. Another witness did not respond to contact attempts. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/21/06 **DATE OF COMPLETION:** 10/15/07 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The investigation into this anonymous complaint revealed that a case was filed against the officer in San Francisco Superior Court. The case was tried before a jury and the jury found that the officer did not use force against a person and a verdict was entered against the Plaintiff in favor of the officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/30/07 **DATE OF COMPLETION:** 10/16/07 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer displayed a weapon 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 October 15, 2007.

SUMMARY OF ALLEGATION #2: 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 October 15, 2007.

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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 October 15, 2007.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: