

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/20/03 **DATE OF COMPLETION:** 12/31/03 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officers' arrest of the complainant was unwarranted.

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

**FINDINGS OF FACT:**

The complainant failed to provide additional requested information.

**SUMMARY OF ALLEGATION #2:** The officer used excessive force in the arrest of the complainant.

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

**FINDINGS OF FACT:**

The complainant failed to provide additional requested information.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:**05/15/02 **DATE OF COMPLETION:** 09/30/02 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to properly investigate the matter.

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

**FINDINGS OF FACT:**

The complainant stated the officer failed to investigate the matter. The officer denied the allegation. Witnesses were unable or unavailable to further clarify either version of the events.

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/08/04 **DATE OF COMPLETION:** 01/08/04 **PAGE#** 1 **of** 1

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

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

**FINDINGS OF FACT:** The complainant stated that he was seated on a milk carton on a public sidewalk next to a table with hand-sawn pouches. The complainant admitted that he accepts money in exchange for the pouches, that he lacks a permit, stated that he should be exempt from getting a permit, and should not be cited. San Francisco Municipal Police Code states that it shall be unlawful for any person to peddle goods or any article on the public sidewalks without first having obtained a permit from the Chief of Police and having paid the fees and been granted a license as required by law.

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

**NOTES:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/07/04 **DATE OF COMPLETION:** 01/12/04 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:**

This complaint raises matter outside OCC's jurisdiction. The complaint has been referred to:

Commanding Officer/O.I.C.  
Management Control Division  
Room 545  
Hall of Justice  
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/09/04 **DATE OF COMPLETION:** 01/13/04 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:**

This complaint raises matter outside OCC's jurisdiction. The complaint has been referred to:

San Francisco Sheriff's Department  
ATTN: Internal Affairs  
25 Van Ness Avenue  
San Francisco, CA 94103

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**DATE OF COMPLAINT:** 3-18-03 **DATE OF COMPLETION:**1-13-04 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION# 1:** The officer engaged in inappropriate conduct, leaving her post without permission in a marked car and attended a Civil Service Commission hearing on personal business in uniform. The officer glared at the complainant and made an inappropriate gesture.

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

**FINDINGS OF FACT:** The officer denied the allegation. The subject matter of the hearing clearly dealt with a matter personal to the officer. The officer was not subpoenaed to testify. The named officer admitted taking a Department Vehicle but stated that she had the acting supervisor's permission to attend. The person that the named officer stated was her acting supervisor denied being her supervisor on the date in question. The named officer admitted that she had read Department Bulletin 03-015 "after the fact." During her OCC interview, she attempted to recharacterize the nature of her presence at the Civil Service Commission hearing by stating that she attended the hearing on personal and Department business and that her attendance was requested by a Recreation and Park official. That Recreation and Park official stated that while the named officer had the right to be notified of the date and time of the hearing, the named officer had no role in the underlying case before the Civil Service Commission.

**NOTES:**

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DATE OF COMPLAINT: 11/26/03 DATE OF COMPLETION: 01/12/04 PAGE# 1 of 1

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

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

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

SUMMARY OF ALLEGATION #3:

CATEGORY OF CONDUCT: FINDING: DEPT. ACTION:

FINDINGS OF FACT:

:

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 06/06/03 **DATE OF COMPLETION:** 01/06/03 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said a person was ordered out of her vehicle and told to get her identification. The officer stated he detained the woman for the purpose of citing her for violation of §97 MPC, illegal camping in a motor vehicle. He told her to come out and bring identification. The witness, the woman, stated she was legally parked and that there were no signs whatsoever about parking and no §97 MPC sign. She said the officer ordered her to get identification and she went to get it. There was reasonable suspicion that the woman was sleeping in her vehicle in violation of §97 MPC, and DGO 5.03 Investigative Detentions gave the officer the authority to detain her for further investigation. The officer's conduct was proper.

**SUMMARY OF ALLEGATION #2-4:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the woman's dog was coming out of the window and an officer threatened to shoot the dog if it got out. The officers also made comments about the Homeless Coalition and took her to the station in her pajamas and without shoes. The officers denied the allegation. There were no other witnesses. The complainant did not witness the incident. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer placed a person under custodial arrest without cause.

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

**FINDINGS OF FACT:** The complainant said the woman was arrested and taken to the station for no reason. The officer stated he deemed the woman out of control and resistive because she would not cooperate with the citation process, a violation of §148 PC. The officer took her to the station because she did not enable them to cite her at the scene. The woman admitted arguing with the officers, but denied any wrongdoing. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6 :** The officer cited the woman without cause.

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

**FINDINGS OF FACT:** The complainant stated the woman was wrongfully cited for §97 MPC. The officer stated the woman was in violation of §97 MPC sleeping/lodging in her vehicle at about 4:00 am. The woman stated there were no signs posted, therefore she was parked legally and not in violation of §97 MPC. Per MPC section 97 (a), there is no requirement that a sign be posted. The law prohibits vehicles being occupied for human habitation including sleeping between 10:00 p.m. and 6:00 a.m. This contact occurred around 4:00 a.m. The officer's conduct was proper.

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**DATE OF COMPLAINT:** 08/06/03 **DATE OF COMPLETION:** 1/9/04 **PAGE# 1 of 3**

**SUMMARY OF ALLEGATIONS #1-3:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant was on probation at the time of his arrest, and acknowledged possessing illegal drugs. One officer denied being at the scene of the complainant's arrest, although a witness officer identified him as being involved in the arrest. The officers' conduct was proper.

**SUMMARY OF ALLEGATIONS #4-6:** The officers used unnecessary force during the complainant's arrest.

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

**FINDINGS OF FACT:** The officers involved in the complainant's arrest denied using any force to arrest the complainant. One officer stated that he was not at the scene of the complainant's arrest, although a witness officer identified him as being involved in the arrest. A witness stated that he did not see the officers use any force to arrest the complainant. The facts remain disputed as to whether the officers used a mastoid technique, as described by the complainant. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/06/03    **DATE OF COMPLETION:** 1/9/04    **PAGE# 2 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that the amount of money booked as evidence was less than that which was seized. The officers involved in the complainant's arrest stated that the money seized was properly accounted for and booked as evidence. There were no witnesses to further confirm or deny the exact amount of currency seized from the complainant. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #8-10:** The officers failed to identify themselves as police officers.

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

**FINDINGS OF FACT:** The officers involved in the complainant's arrest stated that they properly identified themselves as police officers to the complainant. One officer stated that he was not at the scene of the complainant's arrest, although a witness officer identified him as being involved in the arrest. There were no witnesses to further confirm or deny this allegation. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/06/03    **DATE OF COMPLETION:** 1/9/04    **PAGE# 3 of 3**

**SUMMARY OF ALLEGATION #11:** The officer failed to prepare a complete and accurate incident report.

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

**FINDINGS OF FACT:** The officers involved in the complainant's arrest stated that the incident report was complete and accurate. There were no witnesses or evidence to further confirm or deny this allegation. 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  
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**DATE OF COMPLAINT:** 07-17-03 **DATE OF COMPLETION:** 1-7-04 **PAGE#** 1 **of** 1

**SUMMARY OF ALLEGATION #1:** The officer failed to answer reasonable questions regarding the administrative processing of complainant's towed recreational vehicle.

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

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

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

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

**FINDINGS OF FACT :** The officers denied the allegations. One named officer claimed not to recall the incident. The other named officer, in recalling the incident, stated that the complainant had initiated the incident in his office and utilized profane language. There is insufficient evidence to prove or disprove the allegation.

**NOTES:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 09-03-03 **DATE OF COMPLETION:** 01-22-04 **PAGE#** 1 of 4

**SUMMARY OF ALLEGATION# 1:** The complainant alleged the officer failed to maintain knowledge, stating that she told him it was the law that he keep valid identification on his person.

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

**FINDINGS OF FACT:** The officer denied the allegation. One witness overheard the officer ask the complainant for identification but did not hear the entire conversation.

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

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that she responded to a call initially regarding an auto boost. She further stated that when she arrived on scene and interviewed the victim, she learned that the complainant had threatened to assault the victim with his belt and this information was supported by an eyewitness. The complainant was identified and arrested at another location with the help of additional witnesses. The identification and arrest were proper.

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**DATE OF COMPLAINT:** 09-03-03 **DATE OF COMPLETION:** 01-22-04 **PAGE# 2 of 4**

**SUMMARY OF ALLEGATION# 3:** The complainant alleged the officer failed to issue him his Miranda rights.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that she did read the complainant his Miranda rights. Although the incident report noted that the officer had read the complainant his Miranda rights, the complainant's custodial interview was not tape-recorded, hence no independent proof was available.

**SUMMARY OF ALLEGATION# 4:** The complainant alleged the officer failed to provide her name and star number upon request.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating the complainant made the request of her partner. There were no witnesses.

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**DATE OF COMPLAINT:** 09-03-03 **DATE OF COMPLETION:** 01-22-04 **PAGE# 3 of 4**

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The witnesses were not present for the entire contact between the officer and the complainant.

**SUMMARY OF ALLEGATION# 6:** The complainant alleged the officer engaged in biased policing.

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

**FINDINGS OF FACT:** Two witnesses asserted that the complainant had threatened to assault the victim and the victim wrote a statement to that effect for the Incident Report. The officer's enforcement action was motivated solely by complainant of an assault. A preponderance of the evidence establishes that the act alleged did not occur.

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**SUMMARY OF ALLEGATION# 7:** The complainant alleged the officer seized his property without cause.

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

**FINDINGS OF FACT:**

The officer denied the allegation, stating that her partner in fact seized the complainant's property. The property receipt, attached to the incident report supports the officer's response, hence the named officer was not involved in the act alleged.

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 10/21/03    **DATE OF COMPLETION:** 01/20/03    **PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer misused police equipment.

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

**FINDINGS OF FACT:** The complainant alleged that the officer used a Department patrol car to attend to his personal business on two dates. The officer stated, and personnel records show, that the officer was not on duty on those dates. A witness, identified as the complainant's wife, did not cooperate with this investigation. There were no other available witnesses to further support or deny this allegation.

**SUMMARY OF ALLEGATION #2:** The officer was inattentive to duty.

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

**FINDINGS OF FACT:** The complainant alleged that the officer attended to his personal business while in uniform and driving a department vehicle. The officer stated, and personnel records show, that the officer was not on duty on those dates. A witness, identified as the complainant's wife, did not cooperate with this investigation. There were no other available witnesses to further support or deny this allegation.

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**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to obtain permission to engage in secondary employment.

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

**FINDINGS OF FACT:** The officer stated that he owns a personal business but is not employed by the business and performs no managerial work for the business. There was insufficient evidence to determine whether or not the officer was directly engaged in secondary employment.

**SUMMARY OF ALLEGATION # :**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 01/09/04   **DATE of COMPLETION:** 01/13/04   **PAGE #1 of 1**

**SUMMARY OF ALLEGATION #1:** The complainant raises matter outside OCC 's jurisdiction.

**CATEGORY OF CONDUCT:** 101   **FINDING:** IO1   **DEPT. ACTION:**

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

San Francisco Sheriff's Department  
Attn: Lt. A. Kennedy  
Internal Affairs  
25 Van Ness Avenue  
San Francisco, CA 94103

**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:** IO-2      **FINDING:** IO-2      **DEPT. ACTION:**

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/20/04 **DATE OF COMPLETION:** 01/20/04 **PAGE#1 of 1**

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/16/04    **DATE of COMPLETION:** 01/18/04    **PAGE #1 of 1**

**SUMMARY OF ALLEGATION #1:** The complainant raises matter outside OCC 's jurisdiction.

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

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

Captain Keith Sanford/O.I.C.  
Taraval Station  
2345 24<sup>th</sup> Avenue  
San Francisco, CA 94116

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**SUMMARY OF ALLEGATION #1:** The complainant raises matter outside OCC 's jurisdiction.

**CATEGORY OF CONDUCT:** 101   **FINDING:** IO1   **DEPT. ACTION:**

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

Contra Costa Fire Protection District  
Attn: Personnel Officer Jackie Lorrekovich  
2010 Geary Road  
Pleasant Hill, CA 94523

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 04-07-03    **DATE OF COMPLETION:** 01-26-04    **PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that the individual he detained was intoxicated to the extent that he could not care for himself. Based on the witnesses' statements, the officer had reason to detain the complainant.

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

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

**FINDINGS OF FACT:** The officer denied the allegation, stating he had probable cause to arrest. The witnesses stated that the detainee was "falling asleep standing up" and "really drunk." The officer's arrest was proper.

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

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that the search was incident to the detainee's arrest. The arrest and hence the search, were proper.

**SUMMARY OF ALLEGATION #4:** The officer interfered with the rights of onlookers..

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

**FINDINGS OF FACT:** The officer denied the allegation. The witnesses did not see the entire incident.

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**SUMMARY OF ALLEGATION #5** The officer screamed at the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. The witnesses did not overhear the entire incident.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer grabbed him immediately upon entering his room without notice or reason. The officer denied the allegation, stating that he executed a rear wrist lock upon the complainant's failure to obey/resist his order and threatening officer safety. As the complainant and prospective witnesses were unavailable to the OCC investigation, there was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer conducted an unwarranted search of the complainant's residence.

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

**FINDINGS OF FACT:** The complainant stated that he did not have a search condition but the officer(s) went through his belongings regardless. The officers denied the complainant's allegation, stating that an officer only searched the residence looking for victims of a possible domestic violence situation. As the complainant and prospective witnesses were unavailable to the OCC investigation, there was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3-4:** The officers grabbed and handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officers grabbed and handcuffed him immediately upon entering his room without notice or reason. The officers denied the allegation, stating that the complainant resisted the officers' orders and demonstrated threatening gestures, resulting in his being handcuffed. As the complainant and prospective witnesses were unavailable to the OCC investigation, there was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officers denied the complainant's allegation, stating that they had reasonable suspicion to detain the complainant as a domestic violence suspect who exhibited intoxication, failed to follow officer instructions, and threatened an officer with his gestures. CAD records are inconclusive and do not identify the perpetrator of the alleged domestic violence incident. As the complainant and prospective witnesses were unavailable to the OCC investigation, there was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #7-8:** The officers searched the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officer searched him in his residence without reason or a search condition permitting such a search. The officers denied the allegation, stating that the complainant's hostile behavior and his ability to conceal a weapon in a puffy jacket was reason enough to search him for reason of officer safety. As the complainant and prospective witnesses were unavailable to the OCC investigation, there was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #9:** The officer made rude comments.

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

**FINDINGS OF FACT:** The officer denied the complainant's allegation, stating that he made remarks to the complainant to calm him down but in no way meant to antagonize or disrespect him. As the complainant and prospective witnesses were unavailable to the OCC investigation, there was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10-11: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated that the officer made a smart-alecky remark when he asked them for their identification. The officers denied the allegation, stating that extra effort was made to provide star and name identification, including reading slowly the information which was illuminated at night by the officer's flashlight. The officer noted that the complainant wrote down the information but, given the complainant's lack of sobriety, it is difficult to know what information he retained. As the complainant and prospective witnesses were unavailable to the OCC investigation, there was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: FINDING: DEPT. ACTION:

FINDINGS OF FACT:

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OCC Added Allegation:

SUMMARY OF ALLEGATION #1-2: The officers failed to follow Domestic violence policy/procedure.

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

FINDINGS OF FACT: The officers denied the allegation, stating that there was no evidence of domestic violence having been committed or an arrest made, such that an incident report need not be written, a Domestic Violence Referral Card was not issued, and a follow-up advisement was unnecessary, although one officer stated that a referral card and advisement was given to the person reporting the domestic violence. As the complainant and prospective witnesses were unavailable to the OCC investigation, there was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: FINDING: DEPT. ACTION:

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/20/03    **DATE OF COMPLETION:** 01/22/04    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that the officer struck her with his baton during a peace demonstration without provocation or reason. The officer denied the allegation, stating that the complainant threatened him with physical harm. The statement of the parties and witnesses and video film footage provided sufficient evidence to establish that the complainant did not present a threat of physical harm to the officer so as to validate his significant use of force under the circumstances.

**SUMMARY OF ALLEGATION #2:** The officer failed to follow SFPD Crowd Control rules or procedures.

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

**FINDINGS OF FACT:** The complainant stated that no dispersal order was given to the crowd of demonstrators before the officers moved upon the crowd, employing their batons as they advanced. The officer denied the allegation, stating that the officers repeatedly admonished the crowd to move to the sidewalk or they would be subject to physical force and/or arrest. While the superior officer at the scene admittedly did not issue a dispersal order, he reportedly used a bullhorn to advise the crowd of their need to move to the sidewalk or be subject to force/arrest. The SFPD General Orders suggest, but do not specifically require, that a dispersal order be read prior to a skirmish line of officers advancing on a crowd of demonstrators. The OCC has determined that a policy recommendation should issue requiring a dispersal order in the event of a skirmish line of officers advancing against/upon a crowd.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 03/20/03    **DATE OF COMPLETION:** 01/22/04    **PAGE# 2 of 3**

**SUMMARY OF ALLEGATION #3-5:** The officers failed to provide medical attention.

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

**FINDINGS OF FACT:** The complainant stated that an officer struck her with his baton during a peace demonstration, she fell to the ground crying/screaming in pain, but no officer sought to provide her medical assistance. The officers denied the allegation, stating that the complainant disappeared into the crowd immediately upon being struck and that they were unable to assess whether she had been harmed by the baton strike. The officers noted that the complainant would have been subjected to arrest as well as received medical attention but for her fleeing the scene. There is insufficient evidence to prove or disprove that the officers knew of the complainant's injury and would have been responsible for providing her with medical assistance.

**SUMMARY OF ALLEGATION #6:** The officer wrote an inaccurate police report.

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

**FINDINGS OF FACT:** The complainant stated that the incident report misrepresented the truth when reporting that the complainant rushed at the officer, with a wood-backed poster held over her head, as though to strike the officer. The officer denied the allegation, stating that the report was accurate as written. The statement of the parties and video film footage provided sufficient evidence to establish that the complainant attempted to pull back a fellow demonstrator from the officers when struck with the baton; she did not rush the officer or hold a wood-backed placard so as to threaten the officer with physical harm or validate his use of force.

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**OCC Added Allegations:**

**SUMMARY OF ALLEGATION #1:** The officer made an inaccurate log entry.

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

**FINDINGS OF FACT:** The officer reported to his superior that he used an appropriate use of force (i.e., baton strike) against the complainant from which she neither sustained injury nor made a complaint of pain. The complainant stated that she did complain of pain, as was attested to by several civilian witnesses and one fellow officer. Further, the complainant stated that the officer used full force in striking her arm with his baton, resulting in a fractured wrist, as was partially captured in the video film footage. The party/witness statements and video film footage provided sufficient evidence to prove the officer reasonably knew that he inflicted injury to the complainant and would have been able to hear her complaint of pain. As such, the officer incorrectly reported the facts of his use of force to his superior.

**SUMMARY OF ALLEGATION #2:** The officer made an inaccurate log entry.

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

**FINDINGS OF FACT:** The named officer reported what his subordinate officer told him regarding that officer's use of a baton strike upon the complainant as well as the complainant not sustaining injury or making a complaint of pain. The named officer stated that he did not observe the subordinate officer's contact or use of force against the complainant and reported only what he was told. The named officer noted, however, that his primary responsibility and focus was the welfare of his squad and integrity of the skirmish line; therefore, there is reason to believe that the squad leader did witness the subordinate officer's use of force upon the complainant, but not by a preponderance of the evidence.

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**DATE OF COMPLAINT:** 09/29/03 **DATE OF COMPLETION:** 01/27/04 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said that his bicycle was taken during his arrest but was not listed among the property items listed in the receipt that he signed. The officers denied the allegation. OCC attempts to locate possible witnesses to this allegation were unsuccessful. 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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**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 10/28/03 **DATE OF COMPLETION:** 1/26/04 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant described comments and behavior he considered inappropriate. The officer denied the allegation. A friend of the complainant's corroborated the allegation in part. Other witnesses denied that the officer exhibited the behavior and did not hear inappropriate comments. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** A witness confirmed that he told the officer upon arrival that he believed the complainant had been involved in an attack that had the witness visibly bleeding. The officer stated that she did not know if there were weapons involved and so conducted a cursory search for weapons before proceeding with her investigation. The officer was entitled, under the circumstances, to conduct such a search, and the conduct was therefore proper.

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**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 10/28/03 **DATE OF COMPLETION:** 1/26/04 **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant and a friend stated that the officer threatened to arrest the complainant. The officer said she told the complainant he could be arrested for failing to give her information she needed. There was insufficient evidence to establish the context of the officer's remarks or the validity of her position.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/10/04 **DATE OF COMPLETION:** 01/30/04 **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 gave SFPD an incomplete statement to articulate her complaint, and did not provide sufficient contact information. The complainant did not respond to OCC requests for an interview.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**NOTES:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/18/03 **DATE OF COMPLETION:** 01/13/04 **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION# 1:** The officer engaged in inappropriate conduct, leaving her post without permission in a marked car and attended a Civil Service Commission hearing on personal business in uniform.

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

**FINDINGS OF FACT:** Although the officer denied the allegation, the subject matter of the hearing dealt with a matter personal to her and she was not subpoenaed to testify. The named officer admitted taking a department vehicle but stated that she had the acting supervisor's permission to attend. The person that the named officer stated as her acting supervisor denied being her supervisor on the date in question, stating he was unable to be a supervisor at the time because he was assigned as a swing watch officer. The named officer's actual supervisor stated that the matter was not cleared with him. The named officer admitted to a lack of knowledge on the pertinent Department Bulletin (03-015). An official involved in the hearing process stated that while the named officer had the right to be notified of the date and time of the hearing, the named officer had no active role in investigating the underlying case for the SFPD.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer solicited the victim to sign a citizen's arrest form.

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

**FINDINGS OF FACT:** The named officer and two witness officers denied the allegation. The OCC investigation revealed that the officer explained the victim's right to make a citizen's arrest, that the victim signed the citizen's arrest form, and that the officer properly accepted the citizen's arrest. The officer's conduct was proper.

**SUMMARY OF ALLEGATION #2:** The officer wrote an inaccurate Incident Report.

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

**FINDINGS OF FACT:** The named officer is no longer a member of the Department and subject to discipline.

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**DATE OF COMPLAINT:** 10/09/03 **DATE OF COMPLETION:** 01/30/04 **PAGE# 2 of 3**

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

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

**FINDINGS OF FACT:** The victim in the case submitted a signed statement detailing the alleged acts and signed a citizen's arrest form. A witness' statement further supported the officer's decision to arrest the complainant. The complainant was handcuffed pursuant to arrest, under departmental policy. 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 #4:** The officer used unnecessary force during the detention of the complainant.

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

**FINDINGS OF FACT:** The named officer is no longer a member of the Department and subject to discipline.

**COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/09/03 **DATE OF COMPLETION:** 01/30/04 **PAGE#** 3 **of** 3

**SUMMARY OF ALLEGATION #5:** The officer used unnecessary force during a detention.

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

**FINDINGS OF FACT:** The named officer and two witness officers denied the allegation. The witnesses said to be on the scene failed to come forward. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6-7:** The officer laughed at the complainant while transporting him

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

**FINDINGS OF FACT:** The named officers denied the allegations. There were no other witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegations.

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DATE OF COMPLAINT: 12/08/03 DATE OF COMPLETION: 01/23/04 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 she had been threatened by her landlord and wanted to file an incident report regarding the threat. She stated that the officer would not take a report and told her that he would not take a report. The officer and his partner stated that the complainant would not cooperate with the primary officer as he tried to determine if the complainant was reporting a crime. The officer and his partner further stated that the complainant requested that they leave before a determination could be made. The officer said he never told the complainant that he would not take her report. There were no witnesses to this contact. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation. There were no other witnesses to this contact. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 12/19/03    **DATE OF COMPLETION:** 01/12/04    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that officers failed to take an incident report from him regarding a civil court case from 1999. The complainant stated that the defense brought forth a “fake” witness purporting to be someone else to testify at trial. The officer told the complainant that he could not take the report and referred him to the District Attorney’s office. The officer acted properly in not accepting the report because it was based on a civil matter that would or should have been addressed by the trial court or the complainant’s counsel at the time the witness testified. The evidence proved that the acts alleged did occur however said act was proper and justified.

**SUMMARY OF ALLEGATION #2-4:** The complainant was detained without justification.

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

**FINDINGS OF FACT:** The complainant stated that he was detained and 5150’ed by officers on several occasions without justification. Incident reports from those occasions show that the complainant was accepted by PES when brought to the hospital. Therefore, the act alleged did occur, however since the complainant was accepted by the hospital on each occasion, the act was proper and justified.

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**SUMMARY OF ALLEGATION #1-7:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he was arrested for no reason and the medication he was arrested for possessing is prescribed by his doctors. The complainant denied selling the medication. The officers stated that they arrested the complainant after observing him in narcotics transactions and after finding him in possession of a controlled substance. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #8-9:** The officers wrote an inaccurate police report.

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

**FINDINGS OF FACT:** The complainant stated the officers did not tell the truth in the incident report. The officers denied the allegation. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #10-16:** The officers harassed the complainant

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

**FINDINGS OF FACT:** The complainant stated the officers harassed him. The officers 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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**SUMMARY OF ALLEGATIONS #1-2:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The officers stated that they detained the complainant after an individual pointed at her and told the officers that the complainant had just stolen his money. According to the police report, a subsequent search of the complainant's person revealed cash in the amount close to that claimed by the individual. This witness did not respond to the OCC's requests for an interview. The available evidence was insufficient to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer stated that an individual pointed at the complainant and said that she had just stolen his money. According to the officers, they had probable cause to place the complainant under arrest after a search of the complainant's person revealed cash in the amount close to that claimed by the individual. This witness did not respond to the OCC's requests for an interview. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers used profane and derogatory language.

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

**FINDINGS OF FACT:** The named members denied the allegation. The transporting officer did not recall this incident. Another witness did not respond to the OCC's request for an interview. The available evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #7-8:** The officers failed to Mirandize the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officers "interrogated" her at the station without Miranda advisement. The officers stated that they did not give the complainant Miranda advisement because they did not ask her any "interrogative" questions. There were no identifiable witnesses to this part of the occurrence. The available evidence was insufficient to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #9-10:** The officers failed to properly process the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that the officers did not book the money that was seized from her during the arrest. The officers stated that the money seized from the complainant was returned to the victim as "stolen and recovered" property. This individual did not respond to the OCC's requests for an interview. The OCC found that the officers failed to properly document the return of the money in violation of Department guidelines concerning release of property from a district station. The allegation is sustained.

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

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

**FINDINGS OF FACT:** The officer did not recall the incident. One potential witness to the occurrence did not respond to the OCC's requests for an interview. The statements from the complainant and two other officers were inconclusive and contradictory. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1:** The officer behaved in a rude and inappropriate manner.

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

**FINDINGS OF FACT:** The officer denied the allegation. There was no witness. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The evidence established that the complainant was driving her vehicle with an expired registration. The complainant admitted that she did not have valid proof of registration in her possession and was not carrying proof of insurance. The officer's citation for these two offenses was lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 8/18/03   **DATE OF COMPLETION:** 1/30/04   **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the officers refused to make a forced entry into her sister's apartment to do a well-being check. The officers stated that they did not have exigent circumstances to make an entry. They pursued other options to gain entry. They contacted their supervisor, as required, for permission to make a forced entry, and were waiting for a response when the complainant broke into the apartment. One witness stated that she and the complainant gained entry to the sister's apartment by breaking a window. The supervising officers stated the officers handled the well being check appropriately and were waiting on information necessary to receive permission to make a forced entry. The CAD indicates that the officers arrived at 12:38 and at 12:59 the CAD shows the officers called an ambulance due to the deceased person found by complainant. The investigation showed that the officers' conduct was reasonable.

**SUMMARY OF ALLEGATION #3-4:** The officers threatened the complainant and others with an arrest.

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

**FINDINGS OF FACT:** The officers denied the allegation. The officers stated that the complainant and family members were verbally abusing them and threatening to beat them up. The supervising officer stated he advised them to stay calm and not to become violent because they would be subject to arrest. The complainant's aunt said the supervising officer told her that after witnessing the complainant's and cousin's behavior toward the officers that he could have them arrested but was giving them a lot of leeway. Another witness stated that the officer threatened the complainant and cousin with arrest when "they were using their right to speak." He couldn't elaborate more on the specifics of the threat. Another family witness admitted that she and the complainant were verbally abusing the officers due to the emotional situation and stated the officers threatened to arrest her and complainant. A witness neighbor heard one officer tell the complainant to calm down or she would go to jail. There is insufficient evidence to prove if the officers made unwarranted threats or provided appropriate warnings of possible consequences. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that after she made entry and found her deceased sister she told the officers, "I told you something was wrong," and the officers responded. "If we had arrived ten minutes earlier she still would have been dead." She also stated that the officers thought her deceased sister was a friend and showed a lack of concern and sensitivity because of her and her sister's race. The officers denied the allegation. The officers stated the complainant initially told them her sister was a friend and later said it was her sister. The officers said that it didn't matter if it was a friend or sister, their actions would have been the same. The officers said they were sensitive about this issue and endured verbal abuse and threats, which they understood were due to emotions and lack of understanding of their procedures on a well-being check. One witness corroborated that the officer responded, "If we would have gotten here ten minutes later or an hour later, even yesterday, she still would be in here dead." Witness medical examiner stated he was impressed with the officer's behavior at the scene when the officers were being verbally attacked by the family. He corroborated that the timing of the entry did not matter because the deceased was dead more than 24 hours. He said the officers did not respond to any of the verbal abuse. The officers' statement, if made, was not incorrect. However, the comment may not have been appropriate in the situation. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately and made rude remarks.

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

**FINDINGS OF FACT:** The complainant stated that, when he attempted to report that a window on his fiancé's car had been smashed, the officer told him he did not like the tone of his voice and there was nothing the officer could do. The complainant stated that officer told him they could tow the car for three days and have it fingerprinted, but the DA would not take the case and it was a waste of time for him to write a report. The complainant said the officer turned his back on him. The officer denied the allegation. He said he tried to calm the complainant, who was very upset, agitated, yelling and swearing. The officer said the complainant refused to cooperate with the officers' attempts to investigate. The officer did not recall making the comments about having the car towed for fingerprints. A witness officer stated that the complainant asked the officers to take fingerprints from the car and the named officer explained that the responding officers could not take fingerprints, but that, if he wished, he could have CSI take the car for fingerprinting. A witness did not hear what was said between the complainant and the officers. The other witnesses failed to respond for an interview. There is insufficient evidence to prove or disprove the allegation

**SUMMARY OF ALLEGATION #2-3:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated the officers did not investigate his complaint that neighbors had smashed his fiancé's car window. The officers denied the allegation. They stated the complainant did not want any action taken, that he was uncooperative, and that he told the officers to leave. The witness did not hear what was said between the complainant and officers. The other witnesses failed to respond for an interview. There is insufficient evidence to prove or disprove the allegation

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**SUMMARY OF ALLEGATION #4:** The officer failed to write a report.

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

**FINDINGS OF FACT:** The complainant stated the officers did not write an incident report. He said the officer he spoke to did not ask him if he wanted a case number for his insurance. The officer stated the complainant did not want a police report , was hostile and uncooperative, and asked the officers to leave. The witness did not hear what was said between the complainant and the officers. The other witnesses failed to respond for an interview. There is insufficient evidence to prove or disprove the allegation

**SUMMARY OF ALLEGATION #5:** The officer failed to receive an OCC Complaint.

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

**FINDINGS OF FACT:** The complainant stated he told the sergeant he wanted to file a complaint regarding the officers but she did not offer or direct him on how to file an OCC complaint. The sergeant denied the allegation. She stated the complainant only wanted a report generated for the car vandalism and the complainant did not communicate to her that she wanted to file a complaint against the other officers. The witness did not hear what was said between the complainant and officers. The other witnesses failed to respond for an interview. There is insufficient evidence to prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:**09/03/03 **DATE OF COMPLETION:** 01/26/04 **PAGE# 3 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated he was the reportee and his name was not in the incident report. He did say that his girlfriend is the registered owner of the vehicle and that the report listed her as the reportee, but that the officer did not speak to her. The officer stated she ran the plate and found that the complainant was not the registered owner. The officer stated that only the registered owner had standing to file an auto vandalism complaint. The officer asked the registered owner if she had seen who did the vandalism, but the owner said that she only heard noises. The officer stated she spoke to the complainant's grandmother and mother but they did not provide any useful information. The witness did not observe this part of the incident. The other witnesses failed to respond for an interview. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**