

**OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!**

① Day, Date & Time Complaint Received  
 10-22-98 8 8 1 9 8

Complaint Against: Personnel  Policy  Procedure

How Received: Person  Phone  Letter  SFPD  Mail-In  Other : (specify) \_\_\_\_\_

② Primary Complainant:  Co-Complainant

Last Name: [Redacted] Middle Initial: [Redacted]

HOME ADDRESS: [Redacted] Apartment: [Redacted]

City: [Redacted] State: [Redacted] Zip: [Redacted]

WORK ADDRESS: [Redacted] Apartment: [Redacted]

City: [Redacted] State: [Redacted] Zip: [Redacted]

③ Personal Information

Age: [Redacted] Date of Birth: [Redacted]

Sex: Male

Ethnicity: African American

Occupation: store employee

④ Telephone Numbers: [Redacted]

Home: [Redacted]

Pager: [Redacted]

Work: [Redacted]

⑤ Location of Occurrence: [Redacted]

⑥ Type of Place: parking lot

⑦ District: C

⑧ Day, Date, & Time Of Occurrence: 10/4/98 Sun. 16:09

A.M. / P.M. (Circle one)

⑨ Incident Report or Citation No. [Redacted]

⑩ SECONDARY COMPLAINANT? Yes  No  Witnesses? Yes  No  (If "Yes", attach separate sheet of paper.)

Taped interview? Yes  No  Criminal Case Pending in Relation to this matter? Yes  No

⑪ Injuries Claimed? Yes  No  Injuries Visible? Yes  No  Drug/Alcohol Related? Yes  No  arrest

Photos Taken? Yes  No  By: Photo Lab  O.C.C.  Other: \_\_\_\_\_

Type of Injury: \_\_\_\_\_ Medical Release Signed? Yes  No  sent for signature 11/2/98

12 Activity	13 Type	14 DISP.	15 Uniform Yes No	16 Rank	17 Member's Name & Star Number	18 Unit	19 Svc	20 Sex	21 Eth
01	UF	NS	✓	Q2	Conley, William 2192	3C	[Redacted]	M	I
01	UF	NS	✓	Q2	Burke, John 2240	3C	[Redacted]	M	I
01	[Redacted]	[Redacted]	✓	Q2	[Redacted]	3C	[Redacted]	M	I
01	[Redacted]	[Redacted]	✓	Q2	[Redacted]	3C	[Redacted]	M	4
01	[Redacted]	[Redacted]	✓		1D Pending #2192	3C	[Redacted]		



Police Commission for the City and County of San Francisco  
**OFFICE OF CITIZEN COMPLAINTS**



~CITIZEN COMPLAINT FORM~

**INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:**

Please answer questions in blocks 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Leave all other blocks blank unless you know the information requested. Please **print** all information in **English**. If you do not have a telephone number, enter a message number or the number of a neighbor, friend or relative in block 4. If witnesses are available, write their names, addresses and telephone numbers on a separate sheet of paper and attach it to your complaint. Do not write them on the complaint form. If you do not know the officers name or badge number, include a complete physical description in the narrative (22). **Print** your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint against each officer. Include who, what, where, when and why. If you need additional space, use separate sheets of paper and attach them to the complaint. **YOUR STATEMENT MUST BE A TRUE AND ACCURATE ACCOUNT OF THE INCIDENT** to the best of your knowledge and belief, and must be signed by you in block 25. If you have questions or need help, please call the OCC at (415) 597-7711 between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. You may also contact your local neighborhood center for help. Interpreters can be provided at no charge.

**填寫公民投訴書說明：**

請回答第 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 及 22 項問題。除非您知道我們所要求的資料，否則請將其他各項留空。所有資料，務請以**正楷填寫清楚**。如果您沒有電話號碼，請在第 4 項填上有可能聯絡您的電話號碼，或鄰居、親戚、朋友的號碼。如果有證人，請用另一張紙寫上他們的姓名、地址及電話，和投訴書夾在一起；切勿寫在投訴書上。如果你不知道涉及事件的警務人員姓名或編號，請將該員的身體特徵，以**正楷詳盡**寫在第 22 項上。請清楚說明事件的過程，及投訴的類別，包括涉及何人、何事、何處、何時及何由。如您認為投訴書不夠您填寫，可以另紙填寫資料，夾在投訴書上。您應根據您所知道及所相信的事實填寫資料，**必須真實及正確**；填妥請在第 26 項簽名。如有疑問或需要幫助，請在上午八時至下午五時，致電 (415) 597-7711「公民投訴組」，或在下午五時後，在該組的電話錄音機上留言。您亦可以與有免費翻譯員服務的「華埠建民中心」求助，電話 415-391-5099。

**INSTRUCCIONES PARA LLENAR EL FORMULARIO DE QUEJAS DE LOS CIUDADANOS:** Por favor conteste las preguntas de las casillas 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Deje sin contestar las demas preguntas a menos que sepa la información solicitada. El formulario debe ser contestado en **Ingles**. Si usted no tiene telefono escriba en la casilla 4 el número de un servicio de mensajes, o el de un vecino, amigo o pariente. Escriba en una hoja separada los nombres, direcciones y telefonos de los testigos (si los hay), y adjunte ésta información al formulario. En caso de que no conozca el nombre o número de insignia de los oficiales, incluya una descripción fisica completa (22). Describa los hechos en forma completa, sea especifico. Incluya quien, que, donde, cuando y porque. Su declaración debe ser un recuento exacto y verdadero del incidente y debe estar firmada por usted (25). Para pedir información o solicitar ayuda visite nuestras oficinas locales o llamemos al numero (415) 597-7711 de 8:00 AM - 5:00 PM. El servicio de interpretacion es gratis. Formularios tambien pueden ser obtenidos en La Raza Information Center-- (415) 863-0764.

**PARAAN NG PAGSAGOT SA PORMANG ITO (CITIZEN COMPLAINT o REKLAMO NG MAMAMAYAN)**

Mangyaring sagutin ang mga tanong sa blokeng 2, 3, 4, 5, 8, 11, 15, 17, 20, 21, at 22. Kung wala kayo ng impormasyon hinihingi dito, paki-iwanan blanko ang blokeng hindi masagot. **Paki-limbag ang lahat na sagot ninyo.** Kung wala kayong telepono, paki-sulat lang ang inyong "message number", o ang numero ng inyong kapit-bahay, kaibigan, o kamaganak. Kung mayroon kayong mga saksi o testigo, isulat sa ibang papel ang kanilang mga pangalan, mga tirahan, at mga telepono at ikabit ito sa reklamo ninyo. Huwag gagamitin ang pormang ito. Kung hindi ninyo alam ang pangalan ng pulis o ang numero ng kanyang tsapa, isama sa inyong salaysay ang hitsura at pagmumukha ng pulis. Ilimbag ang inyong salaysay. Liwanagin lahat ang nangyari magmula sa umpisa hanggang sa katapusan. Tiyakin o siguraduhin ang inyong sinusumbong o renireklamo. Sabihin o ilarawan kung sino, ano, saan, kailan at bakit sa pangyayari. Kung kulang ang pagsusulatan dito gumamit ng ibang papel at ikabit ito sa sumbong ninyo. Sa inyong kaalaman at paniniwala, ang inilalahad ninyong nangyari ay dapat lubos na katotohanan at walang kamali-mali at kailangan ninyong pirmahan ang sumbong ito sa blokeng bilang 25. Itanong sa amin kung alinman dito ang hindi maliwanag sa inyo. Kung kailangan ninyo ng tulong, paki-tawagan kami, OCC, telepono (415) 597-7711. Maaring tawagan din ninyo ang Philippines American Consul sa telepono (415) 626-0773 sa pagitan ng alas--otso ng umaga at alas--singko ng hapon o mag-iwan ng pahatid o "message" sa aming "answering service" paglampas dng alas--singko ng hapon.

After you have completed this form, return it to the Office of Citizen Complaints by folding it along the lines below so that the address shows on the outside. Drop in any mailbox. NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES.

在您填妥本投訴書後，請沿摺線摺妥（地址在外），投入郵箱，寄回「公民投訴組」。在美國境內寄出，不需郵費。

Despues de completar la forma, doblela sobre las lineas marcadas y depositela en el buzón. No necesita estampilla (sello postal).

Matapos buuin ang pormang ito, tiklupin sa mga linyang nakatatak sa baba upang makita sa labas ang aming "address". Ihlug sa anumang buson o "mailbox". Hindi kailangan ng selyo kung ipadadala lang sa loob ng America.

OFFICES LOCATED AT:  
480 Second Street, Suite 100  
San Francisco, CA 94107



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

RECEIVED  
AT OCC

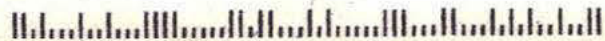
1993 OCT 22 P 3:55

**BUSINESS REPLY MAIL**

FIRST CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO, CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco  
**OFFICE OF CITIZEN COMPLAINTS**  
875 Stevenson Street, Room 125  
San Francisco, CA 94103-0917



This is a complaint of:

- [REDACTED]
- Unnecessary Force for force used during the arrest - against #2192, #2240, [REDACTED] and ID Pending
- [REDACTED]
- [REDACTED]

22

NARRATIVE OF INCIDENT: ON 10-4-98, I WAS AT WORK

AT THE [REDACTED] WHILE ON DUTY SEVERAL OF MY FRIENDS ENTERED THE PARKING LOT PLAYING MY BROTHER'S NEW RECORD-DEMO MUSIC. AS WE WERE LISTENING MY BOSS [REDACTED] TOLD ME TO START GATHERING UP ALL THE CANS & BOTTLES WHILE MY CO. WORKER (GARGE) SWEEP THE PARKING LOT. THEN A POLICE CAR PULLS IN THE PARKING LOT. THE OFFICER SHOUTED YOU'ALL GOT'S TO MOVE AWAY NO LOITERING. AS THE CROWD WAS EXITING I CONTINUED TO DO MY JOB. THE OFFICER SHOUTED AT ME SAYING "HEY HEY WHAT THE ? I TOLD YOU TO DO". HE GOT OUT OF HIS VEHICAL APPROACHED ME SO AGGRESSIVE AN ATTEMADATING (STILL SHOUTING) ASKING ME FOR I. D. I EXPLAINED I LOST MY I. D. BUT MY NAME IS [REDACTED] I'M ON PROBATION 1035 SEARCH. HE THEN SAID "O YOU WANT TO BE A SMART ? WE'LL SEE HOW SMART YOU'LL BE DOWN AT THE STATION. THE 4 (FOUR) POLICE CARS PULLS UP JUMP OUT SURROUND ME ORDERED ME TO PUT MY HAND'S AROUND MY BACK ONCE I DID. THEY ALL ATTACKED ME THROWN ME FACE FIRST TO THE GROWN, ALL OF THEM HAD ME CONTAINED FOR SURE

*(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)*

**ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)**

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT,

<p>[REDACTED]</p>	<p>Taken By (Name#/Unit)/Date: 10-19-98</p>
<p>Assigned Investigator/Date: Inv. Irene Rapoza 10/23/98</p>	<p>Closure Approval/Date: May Dunlap 9/30/99</p>

WHILE BEING CHOCKED, GRABED, PULLED, YANKED, AN EVERYONE OF THEM OFFICER'S USED CHOCK HOLDS, SUBMISSION LOCKS THAT WERE SO PAINFUL IT DREW MORE ATTENTION FROM PEOPLE WHO KNOW ME. AS ① POLICE MAN HELD MY LEFT ARM, ② POLICE HAD MY LEGS ② POLICE WERE ON MY BACK W/ ONE KNEE ON MY NECK. ① HELD MY RIGHT ARM AN NOTE THAT THEY ALL HAD ME DOWN WITH NO PROBLEM (I LET THEM TAKE ME DOWN) BUT THAT ONE COP STOOD OVER ME LOOK ME IN MY EYE'S, TAUNTED ME WITH GRIN THEN STARTED GRABING ON MY RIGHT WRIST AN FINGER'S SHOUTING "STOP RESITING, STOP RESSITIN" ME AN THE CROWD SCREAMED HE'S NOT RESITING I'M NOT RESITING (I'M NOT RESISTING STOP YOU'RE HURTING ME) AS THAT ONE OFFICER SQUEEZED AN SNAPPED TWO OF MY FINGER'S. I FELT THEM BRAKE, THE CROWD HEAD IT TO BUT HE DID'NT STOP UNTIL SOMEONE IN THE CROWD SAID OUT LOUD "GET THEM VIDEO CAMERA"!

I USALLY ATTEND CHURCH ON SUNDAY'S, I'M A [REDACTED]

AT THE [REDACTED]

I COACH FOOTBALL FOR THE [REDACTED]

AN I WORK PARTIME ON CALL FOR [REDACTED]

I'M A GOOD WELL MANNERED YOUNG MAN. FIVE DAYS AFTER MY TWO SURGERY'S I DID NOT DESERVE THIS. MY SURGERY'S WOUNDS WERE RE-OPENED MY ELBOW FROM POLICE BRUETALITY BACK IN 1987 IS RE-AGGRIVATED. THIS IS TWICE THE PAIN "I'M WRITING THIS WHILE AT THE SURGERY/CLINIC AT S.F. GENERAL

I NEVER WAS COMPENSATED FROM 1987

SO PLEASE ADD THE TWO CASES TOGETHER

I CANT WORK TO PROVIDE ANYTHING FOR MY  
TWO CHILDREN MORE MY 83 YR OLD GRANDMOTHER!

THE DOCTOR'S STATED I'M UNABLE TO PERFORM  
DUE TO THE SURVERENESS OF MY WOUND'S  
FROM THE OSSESSIVE FORCE USE BY S.F.P.D  
I'M UNDERGOING SURGERY AGIN!

P.S. I'M IN PAIN AS I WRITE  
THIS "I DIDNT DESERVE THIS" PLEASE PUT  
THIS IN THE RIGHT HAND'S I NEED HELP BAD!

CONTACT ME A.S.A.P

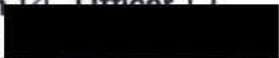
THANKS

pgr

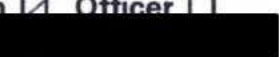

1. KAPPA  
11/18

8-00006



OFFICE OF CITIZEN COMPLAINTS  
WITNESS LIST  
OCC CASE NO. 881-98

Civilian  Officer   
Name:   
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_

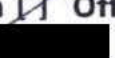

Civilian  Officer   
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_

Civilian  Officer   
Name:   
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
  
\_\_\_\_\_

Civilian  Officer   
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_

Civilian  Officer   
Name:   
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
  
\_\_\_\_\_

Civilian  Officer   
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_

Civilian  Officer   
Name:   
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
  
\_\_\_\_\_

Civilian  Officer   
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_

Civilian  Officer   
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_

Civilian  Officer   
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_

11/2/98 -

Comp promised to  
get back some w/more  
info. + more witness  
names.



WITNESS LIST: OCC # 881-98 [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

Off. Conley visited 1/5/99, asked if C on payroll.

[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
(# reverses to [REDACTED])

[REDACTED]  
(# reverses to [REDACTED])

[REDACTED]  
[REDACTED] [REDACTED] [REDACTED]

PARAMEDIC [REDACTED] American Medical Response

Treated C at Co C, told Off. Conley that C had prob dislocated index finger

NAMED OFFICERS:

WILLIAM CONLEY # 2192

3C2B

*W/ 1/5/99* *MAF*

Wrote IR; on-viewed drinking in parking lot; had confrontation w/ C [REDACTED], called or back-up. Snapped C's finger. Went to [REDACTED] on 1/5/99 & talked to [REDACTED] re: whether C on payroll.

✓ JOHN BURKE # 2240

3C13C

*C/E* *MAF*

1st back-up.

[REDACTED]

*C/E* *MAF*

Backup.

Present when Conley asked C 4 -5 times to put hands behind back to be cuffed; Conley attempted to put C's hands behind back, C resisted by keepng hands on head. Off. Burke attempted twist lock. C yelled "get the fuck off me" swing arm.

[REDACTED] assisted Conley & Burke w/ arm bar take down.

[REDACTED]

*MAF* *5/26/98*

WITNESS OFFICERS:

✓ SGT. MICHAEL MORLEY # 2237

3C104

*6 N* *56* *MAF*

Responded as backup after takedown, advised of force used.

✓ FRANCIS HAGAN # 1280

3C13C

*(D) C* *MAF*

1st backup. Not mentioned in IR.

✓ STEVEN REDD #1730

3C11C

*MAF* *MAF*

Back up w/ James O'Malley. Not mentioned in IR.

# Memorandum

San Francisco Police Department



To: Captain Walter Cullop#1505  
Commanding Officer  
Northern District

APPROVED YES NO

Wall

From: OFFICER WILLIAM CONLEY#2192  
NORTHERN POLICE STATION

Date: 9/3/99

Subject: OFFICE OF CITIZENS COMPLAINTS(RESPONSE TO QUESTION DID NOT FULLY PRINT)

ON 8/31/99 I WROTE A RESPONSE TO O.C.C COMPLAINT CASE NUMBER 881-98. I USED COMPUTER HP#1 AND HAD SOME PROBLEMS PRINTING MY RESPONSES. I EVENTUALLY FINISHED ALL OF THE REQUESTED QUESTIONS AND SENT THEM TO O.C.C INVESTIGATOR JAYSON WECHTER FOR FURTHER INVESTIGATION. I ANSWERED EACH QUESTION THOROUGHLY AND COMPLIED WITH ALL DEPT GENERAL ORDERS. ON TODAYS DATE WHILE WORKING AS STATION DUTY I DECIDED TO REVIEW A COPY OF MY RESPONSES WHICH I HAD PROVIDED INVESTIGATOR JAYSON WECHTER. TO MY COMPLETE HORROR, I NOTICED THAT THE COMPUTER HAD FAILED TO PRINT A LARGE PORTION OF MY RESPONSE TO QUESTION NUMBER FIVE. THE REPOSENSE WAS LEFT INCOMPLETE, UNFINISHED AND WAS NOT PRINTED IN ITS ENTIRETY. I IMMEDIATLEY LEFT A MESSAGE FOR INVESIGATOR WECHTER ON THE O.C.C ANSWERING SERVICE REGARDING THE ABOVE INCIDENT. I ALSO COMPLETED THE RESPONSE TO QUESTION #5 AND WROTE INVESTIGATOR WECHTER A SMALL NOTE REGARDING THE ABOVE INCIDENT. I SENT THIS NOTE ON TODAYS DATE AT 0515 HRS. I CAN ASSURE YOU THAT THIS WAS A MALFUNCTION OF THE COMPUTER AND OF NO FAULT OF MY OWN. I APOLOGIZE FOR ANY INCONVIENCE THIS INCIDENT MAY HAVE CAUSED . I AM ATTATCHING THE COPY OF MY COMPLAINT WITH THE

SFPD-68 (03/89) \*

SF DPA - 0881-98 - 000011

# Memorandum

UNFINISHED REPOSENSE TO QUESTION #5 ALONG WITH THE  
COMPLTETED RESPONSE.

TO: INVESTIGATOR JAYSON WECHTER  
OFFICE OF CITIZENS COMPLAINTS

DATE: 9/3/99 0430HRS

FROM: OFFICER WILLIAM CONLEY#2192  
NORTHERN POLICE STATION

DEAR MR. WECHTER,  
ON TODAYS DATE I WAS PERFORMING THE DUTIES OF STATION DUTY AND I HAD THE OPPORTUNITY TO REVIEW MY RESPONSE TO YOUR QUESTIONS REGARDING CASE#881-98. TO MY SURPRISE, I OBSERVED THAT QUESTION NUMBER FIVE HAD NOT PRINTED IN ITS ENTIRETY. WHEN I HAD COMPLETED THE RESPONSE TO YOUR QUESTIONS ON 8/31/99 I HAD TYPED MY RESPONSE TO QUESTION NUMBER FIVE AND ANSWERED IT FULLY. I DID HAVE SOME PROBLEMS WITH THE COMPUTER AND FOR SOME REASON OR ANOTHER HALF OF MY RESPONSE IS MISSING FROM YOUR QUESTION. YOU CAN SEE THAT MY LAST SENTENCE IS INCOMPLETE. THIS WAS NOT MY FAULT AND I APOLOGIZE FOR ANY INCONVIENCE THIS MAY CAUSE YOUR INVESTIGATION. I HAVE NOTIFIED MY SUPERVISOR OF THIS INCIDENT AND HAVE TYPED A MEMORANDUM TO MY CAPTAIN. BELOW YOU WILL FIND THE COMPLETED RESPONSE TO QUESTION NUMBER 5.

5 [REDACTED] BEGAN TO RESIST ARREST IN THE PRESENCE OF NUMEROUS OFFICERS AT THE SCENE. [REDACTED] REFUSED TO PLACE HIS HANDS BEHIND HIS BACK AFTER BEING TOLD NUMEROUS TIMES TO DO SO. I ATTEMPTED TO PLACE [REDACTED] HANDS BEHIND HIS BACK FROM ON TOP OF HIS HEAD. MYSELF AND OFFICER BURKE#2240 PERFORMED A BAR ARM TAKE DOWN ON [REDACTED]. [REDACTED] RESISTED VIOLENTLY AND BEGAN FLAILING HIS ARMS. I TOLD [REDACTED] NUMEROUS TIMES TO PLACE HIS HANDS BEHIND HIS BACK. [REDACTED] REFUSED TO COMPLY WITH MY DIRECTIVES AND INSTEAD POSITIONED HIS ARMS OUT LIKE AN AIRPLANE REFUSING TO BE HANDCUFFED. I ATTEMPTED TO FORCIBLY PUT [REDACTED] HANDS BEHIND HIS BACK, BUT WAS UNABLE TO DO SO BECAUSE OF HIS LARGE SIZE AND STRENGTH. I THEN PERFORMED A FINGER BEND TECHNIQUE(PAIN COMPLIANCE) ON [REDACTED] RIGHT INDEX FINGER. [REDACTED] WAS MOVING AROUND AND FLAILING HIS ARMS IN A VIOLENT MANNER. A FEW SECONDS LATER I HEARD A SNAP AND [REDACTED] YELLED. [REDACTED] IMMEDIATLEY PUT HIS HANDS BEHIND HIS BACK AND WAS TAKEN INTO CUSTODY.

**OFFICE OF CITIZEN COMPLAINTS  
MEMBER RESPONSE FORM**

TO: **OFF. WILLIAM CONLEY # 2192** RE: OCC CASE No. 881-98

FROM: Jayson Wechter

COMPLAINANT: [REDACTED]

DATE: 8/9/99

DATE OF OCCURRENCE: 10/4/98

RESPONSE DUE DATE: 8/31/99

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

You are to answer truthfully, candidly and to the best of your ability. **Failure to answer all questions even under advice of counsel or representative may be a violation of Department General Orders 2.01, 2.04, and 2.08, all of which require cooperation in an OCC investigation.** Administratively compelled statements shall not be used against you in a criminal investigation or proceeding. Your statements shall only be used for administrative proceedings.

Because this investigation could result in punitive action, all of the rights enacted in the Public Safety Officers' Procedural Bill of Rights apply. Specifically:

1. You may seek assistance from the representative of your choice in completing this form.
2. You are specifically authorized to complete answers to these questions while on duty.
3. You have the right to keep a copy of this form.

**(OVER)**

OCC Case No. 881-98  
Off. Off. William Conley # 2192

On 10/4/98, you encountered complainant [REDACTED] in the parking lot of [REDACTED] at [REDACTED] (IR [REDACTED]). A copy of the CAD is attached.

**INFORMATION REQUESTED:** *(Please provide a separate, detailed response to each question on a separate sheet of paper.)*

1. What was your unit assignment on October 4, 1998?
2. What did you first observe when you arrived at the parking lot of [REDACTED] at [REDACTED]?
3. Where was the complainant [REDACTED], and what was he doing?
4. Describe, in as much detail as possible, everything you said to [REDACTED], and everything he said to you.
5. What physical contact, if any, did you have with [REDACTED]? Please describe all physical contact you had with [REDACTED] in specific detail.
6. Describe, in as much detail as possible, everything complainant [REDACTED] did as you and/or other officers detained and handcuffed him.
- 7 Describe, with as much detail as possible, anything that any other officer(s) said to [REDACTED]
8. Did you hear anyone at the scene use profanity?
  - A) Who used profanity?
  - B) Exactly what did they say?
9. Did you hear anyone at the scene yell? If so, please describe in detail what they said, and how they said it.
- 10) Why did you arrest complainant [REDACTED]?
- 11) Did you ever use any profanity towards the complainant or anyone else at the scene? If so, what did you say, and why did you say it.

12. Were any civilian witnesses in the parking lot while any portion of this incident was occurring?

A) What were they doing?

13. At any point, did you hear [REDACTED] complain of any physical pain and or injuries?

A) If so, describe in detail what he said.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION? no

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED:

MEMBER'S SIGNATURE: [REDACTED]

DATE: 8/31/99



O.C.C RESPONSE: CASE NO. 881-98  
OFFICER WILLIAM CONLEY#2192  
INVESTIGATOR JAYSONWECHTER

1. MY UNIT ASSIIGNMENT WAS 3C2B(TWO CAR SECTOR)
2. I OBSERVED 10-15 PEOPLE LOITERING INSIDE THE PARKING LOT OF [REDACTED] DRINKING OPEN CONTAINERS AND PLAYING LOUD MUSIC.
3. [REDACTED] WAS STANDING INSIDE THE PARKING LOT OF [REDACTED] DRINKING A CUP OF WINE.
4. I INITIALLY ASKED [REDACTED] WHAT HE WAS DRINKING. HE TOLD ME A CUP OF WINE. I TOLD [REDACTED] THAT DRINKING IN PUBLIC WAS A VIOLATION OF THE LAW(21 M.P.C). I THEN TOLD [REDACTED] TO POUR THE WINE OUT AND VACATE THE PARKING LOT. [REDACTED] RESPONDED BY ANGRILY TELLING ME THAT HE KNEW THE LAW AND THAT HE WAS AN EMPLOYEE OF THE [REDACTED]. I AGAIN ASKED [REDACTED] TO VACATE THE PARKING LOT. [REDACTED] CONTINUED TO LOITER IN THE PARKING LOT AND DRINK HIS CUP OF WINE. I TOLD [REDACTED] THAT HE WAS GOING TO BE CITED FOR THE VIOLATION OF DRINKING IN PUBLIC. I REQUESTED [REDACTED]'S IDENTIFICATION. [REDACTED] ASKED WHY I WAS DOING THIS AND THAT HE WAS DOING NOTHING WRONG. I AGAIN ASKED [REDACTED] FOR HIS IDENTIFICATION. [REDACTED] TOLD ME THAT HE DID NOT HAVE IDENTIFICATION. [REDACTED] ASKED WHY WAS I "FUCKING" WITH HIM. I ASKED [REDACTED] TO SIT ON THE GROUND(DUE TO HIS UNCOOPERATIVE STATE AND LARGE PHYSICAL BUILD). [REDACTED] ASKED ASKED ME WHY I WANTED HIM TO SIT ON THE GROUND. [REDACTED] BEGAN TO ARGUE WITH ME. I TOLD [REDACTED] BETWEEN 6-7 TIMES TO PLEASE SIT ON THE GROUND FOR MY SAFETY. [REDACTED] REFUSED TO FOLLOW MY DIRECTIVES.

5. [REDACTED] BEGAN TO RESIST ARREST IN THE PRESENCE OF NUMEROUS OFFICERS AT THE SCENE. [REDACTED] REFUSED TO PLACE HIS HANDS BEHIND HIS BACK AFTER BEING TOLD NUMEROUS TIMES TO DO SO. I ATTEMPTED TO PLACE [REDACTED] [REDACTED] HANDS BEHIND HIS BACK FROM ON TOP OF HIS HEAD. [REDACTED] CONTINUED TO KEEP HIS HANDS ON HIS HEAD. MYSELF AND OFFICER BURKE#2240 PERFORMED A BAR ARM TAKE DOWN

6. REFER TO QUESTION RESPONSE #5

7. MYSELF AND THE OTHER OFFICERS TOLD [REDACTED] NUMEROUS TIMES TO STOP RESISTING AND TO PLACE HIS HANDS BEHIND HIS BACK.

8. NO

9. NO

10. DRINKING IN PUBLIC/POSSESSING NO IDENTIFICATION, RESISTING ARREST.

11. NO

12. YES. BEING HOSTILE.

13. YES

A. I DO NOT RECALL.

IT SHOULD BE NOTED FOR THE PURPOSES OF YOUR INVESTIGATION THAT [REDACTED] HAS NEVER BEEN AN EMPLOYEE OF THE [REDACTED]. I VERIFIED THAT INFORMATION WITH THE OWNER. BUT [REDACTED] HAS BEEN ARRESTED NUMEROUS TIMES AT [REDACTED] FOR SALES AND POSSESSION OF NARCOTICS( EVEN RECENTLY AFTER THE ABOVE INCIDENT) PLEASE REFER TO CASE NO. [REDACTED] (date of arrest 1/18/99) AND CASE NO. [REDACTED] (date of arrest 1/28/99)

1999 AUG 31 A 1:29

**OFFICE OF CITIZEN COMPLAINTS  
MEMBER RESPONSE FORM**

TO: **OFF. WILLIAM CONLEY # 2192** RE: OCC CASE No. 881-98

FROM: Jayson Wechter

COMPLAINANT: [REDACTED]

DATE: 8/9/99

DATE OF OCCURRENCE: 10/4/98

RESPONSE DUE DATE: 8/31/99

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

You are to answer truthfully, candidly and to the best of your ability. **Failure to answer all questions even under advice of counsel or representative may be a violation of Department General Orders 2.01, 2.04, and 2.08, all of which require cooperation in an OCC investigation.** Administratively compelled statements shall not be used against you in a criminal investigation or proceeding. Your statements shall only be used for administrative proceedings.

Because this investigation could result in punitive action, all of the rights enacted in the Public Safety Officers' Procedural Bill of Rights apply. Specifically:

1. You may seek assistance from the representative of your choice in completing this form.
2. You are specifically authorized to complete answers to these questions while on duty.
3. You have the right to keep a copy of this form.

(OVER)

OCC Case No. 881-98  
Off. Off. William Conley # 2192

On 10/4/98, you encountered complainant [REDACTED] in the parking lot of [REDACTED] at [REDACTED] (IR [REDACTED]). A copy of the CAD is attached.

**INFORMATION REQUESTED:** *(Please provide a separate, detailed response to each question on a separate sheet of paper.)*

1. What was your unit assignment on October 4, 1998?
2. What did you first observe when you arrived at the parking lot of [REDACTED] at [REDACTED]?
3. Where was the complainant [REDACTED], and what was he doing?
4. Describe, in as much detail as possible, everything you said to [REDACTED] and everything he said to you.
5. What physical contact, if any, did you have with [REDACTED]? Please describe all physical contact you had with [REDACTED] in specific detail.
6. Describe, in as much detail as possible, everything complainant [REDACTED] did as you and/or other officers detained and handcuffed him.
- 7 Describe, with as much detail as possible, anything that any other officer(s) said to [REDACTED].
8. Did you hear anyone at the scene use profanity?
  - A) Who used profanity?
  - B) Exactly what did they say?
9. Did you hear anyone at the scene yell? If so, please describe in detail what they said, and how they said it.
- 10) Why did you arrest complainant [REDACTED]?
- 11) Did you ever use any profanity towards the complainant or anyone else at the scene? If so, what did you say, and why did you say it.

12. Were any civilian witnesses in the parking lot while any portion of this incident was occurring?  
A) What were they doing?

13. At any point, did you hear [REDACTED] complain of any physical pain and or injuries?  
A) If so, describe in detail what he said.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION? no

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: [REDACTED]

MEMBER'S SIGNATURE: [REDACTED]

DATE: 8/31/99

O.C.C RESPONSE: CASE NO. 881-98  
OFFICER WILLIAM CONLEY#2192  
INVESTIGATOR JAYSONWECHTER

1. MY UNIT ASSIIGNMENT WAS 3C2B(TWO CAR SECTOR)
2. I OBSERVED 10-15 PEOPLE LOITERING INSIDE THE PARKING LOT OF [REDACTED] DRINKING OPEN CONTAINERS AND PLAYING LOUD MUSIC.
3. [REDACTED] WAS STANDING INSIDE THE PARKING LOT OF [REDACTED] DRINKING A CUP OF WINE.
4. I INITIALLY ASKED [REDACTED] WHAT HE WAS DRINKING. HE TOLD ME A CUP OF WINE. I TOLD [REDACTED] THAT DRINKING IN PUBLIC WAS A VIOLATION OF THE LAW(21 M.P.C). I THEN TOLD [REDACTED] TO POUR THE WINE OUT AND VACATE THE PARKING LOT. [REDACTED] RESPONDED BY ANGRILY TELLING ME THAT HE KNEW THE LAW AND THAT HE WAS AN EMPLOYEE OF THE [REDACTED]. I AGAIN ASKED [REDACTED] TO VACATE THE PARKING LOT. [REDACTED] CONTINUED TO LOITER IN THE PARKING LOT AND DRINK HIS CUP OF WINE. I TOLD [REDACTED] THAT HE WAS GOING TO BE CITED FOR THE VIOLATION OF DRINKING IN PUBLIC. I REQUESTED [REDACTED] S IDENTIFICATION. [REDACTED] ASKED WHY I WAS DOING THIS AND THAT HE WAS DOING NOTHING WRONG. I AGAIN ASKED [REDACTED] FOR HIS IDENTIFICATION. [REDACTED] TOLD ME THAT HE DID NOT HAVE IDENTIFICATION. [REDACTED] ASKED WHY WAS I "FUCKING" WITH HIM. I ASKED [REDACTED] TO SIT ON THE GROUND(DUE TO HIS UNCOOPERATIVE STATE AND LARGE PHYSICAL BUILD). [REDACTED] ASKED ASKED ME WHY I WANTED HIM TO SIT ON THE GROUND. [REDACTED] BEGAN TO ARGUE WITH ME. I TOLD [REDACTED] BETWEEN 6-7 TIMES TO PLEASE SIT ON THE GROUND FOR MY SAFETY. [REDACTED] REFUSED TO FOLLOW MY DIRECTIVES.

TO: INVESTIGATOR JAYSON WECHTER  
OFFICE OF CITIZENS COMPLAINTS

DATE: 9/3/99 0430HRS

FROM: OFFICER WILLIAM CONLEY#2192  
NORTHERN POLICE STATION

DEAR MR. WECHTER,  
ON TODAY'S DATE I WAS PERFORMING THE DUTIES OF STATION DUTY AND I HAD THE OPPORTUNITY TO REVIEW MY RESPONSE TO YOUR QUESTIONS REGARDING CASE#881-98. TO MY SURPRISE, I OBSERVED THAT QUESTION NUMBER FIVE HAD NOT PRINTED IN ITS ENTIRETY. WHEN I HAD COMPLETED THE RESPONSE TO YOUR QUESTIONS ON 8/31/99 I HAD TYPED MY RESPONSE TO QUESTION NUMBER FIVE AND ANSWERED IT FULLY. I DID HAVE SOME PROBLEMS WITH THE COMPUTER AND FOR SOME REASON OR ANOTHER HALF OF MY RESPONSE IS MISSING FROM YOUR QUESTION. YOU CAN SEE THAT MY LAST SENTENCE IS INCOMPLETE. THIS WAS NOT MY FAULT AND I APOLOGIZE FOR ANY INCONVENIENCE THIS MAY CAUSE YOUR INVESTIGATION. I HAVE NOTIFIED MY SUPERVISOR OF THIS INCIDENT AND HAVE TYPED A MEMORANDUM TO MY CAPTAIN. BELOW YOU WILL FIND THE COMPLETED RESPONSE TO QUESTION NUMBER 5.

5. [REDACTED] BEGAN TO RESIST ARREST IN THE PRESENCE OF NUMEROUS OFFICERS AT THE SCENE. [REDACTED] REFUSED TO PLACE HIS HANDS BEHIND HIS BACK AFTER BEING TOLD NUMEROUS TIMES TO DO SO. I ATTEMPTED TO PLACE [REDACTED]'S HANDS BEHIND HIS BACK FROM ON TOP OF HIS HEAD. MYSELF AND OFFICER BURKE#2240 PERFORMED A BAR ARM TAKE DOWN ON [REDACTED]. [REDACTED] RESISTED VIOLENTLY AND BEGAN FLAILING HIS ARMS. I TOLD [REDACTED] NUMEROUS TIMES TO PLACE HIS HANDS BEHIND HIS BACK. [REDACTED] REFUSED TO COMPLY WITH MY DIRECTIVES AND INSTEAD POSITIONED HIS ARMS OUT LIKE AN AIRPLANE REFUSING TO BE HANDCUFFED. I ATTEMPTED TO FORCIBLY PUT [REDACTED] HANDS BEHIND HIS BACK, BUT WAS UNABLE TO DO SO BECAUSE OF HIS LARGE SIZE AND STRENGTH. I THEN PERFORMED A FINGER BEND TECHNIQUE (PAIN COMPLIANCE) ON [REDACTED] RIGHT INDEX FINGER. [REDACTED] WAS MOVING AROUND AND FLAILING HIS ARMS IN A VIOLENT MANNER. A FEW SECONDS LATER I HEARD A SNAP AND [REDACTED] YELLED. [REDACTED] IMMEDIATELY PUT HIS HANDS BEHIND HIS BACK AND WAS TAKEN INTO CUSTODY.

1999 AUG 31 A 5:35



5. [REDACTED] BEGAN TO RESIST ARREST IN THE PRESENCE OF NUMEROUS OFFICERS AT THE SCENE. [REDACTED] REFUSED TO PLACE HIS HANDS BEHIND HIS BACK AFTER BEING TOLD NUMEROUS TIMES TO DO SO. I ATTEMPTED TO PLACE [REDACTED]'S HANDS BEHIND HIS BACK FROM ON TOP OF HIS HEAD. [REDACTED] CONTINUED TO KEEP HIS HANDS ON HIS HEAD. MYSELF AND OFFICER BURKE#2240 PERFORMED A BAR ARM TAKE DOWN

6. REFER TO QUESTION RESPONSE #5

7. MYSELF AND THE OTHER OFFICERS TOLD [REDACTED] NUMEROUS TIMES TO STOP RESISTING AND TO PLACE HIS HANDS BEHIND HIS BACK.

8. NO

9. NO

10. DRINKING IN PUBLIC/POSSESSING NO IDENTIFICATION, RESISTING ARREST.

11. NO

12. YES. BEING HOSTILE.

13. YES

A. I DO NOT RECALL.

IT SHOULD BE NOTED FOR THE PURPOSES OF YOUR INVESTIGATION THAT [REDACTED] HAS NEVER BEEN AN EMPLOYEE OF THE ALL-NIGHT MARKET. I VERIFIED THAT INFORMATION WITH THE OWNER. BUT [REDACTED] HAS BEEN ARRESTED NUMEROUS TIMES AT [REDACTED] FOR SALES AND POSSESSION OF NARCOTICS( EVEN RECENTLY AFTER THE ABOVE INCIDENT) PLEASE REFER TO CASE NO. [REDACTED] (date of arrest 1/18/99) AND CASE NO. [REDACTED] (date of arrest 1/28/99)

1999 AUG 31 A 1:29

**OFFICE OF CITIZEN COMPLAINTS  
MEMBER RESPONSE FORM**

TO: **OFF** [REDACTED] RE: OCC CASE No. 881-98

FROM: Jayson Wechter

COMPLAINANT: [REDACTED]

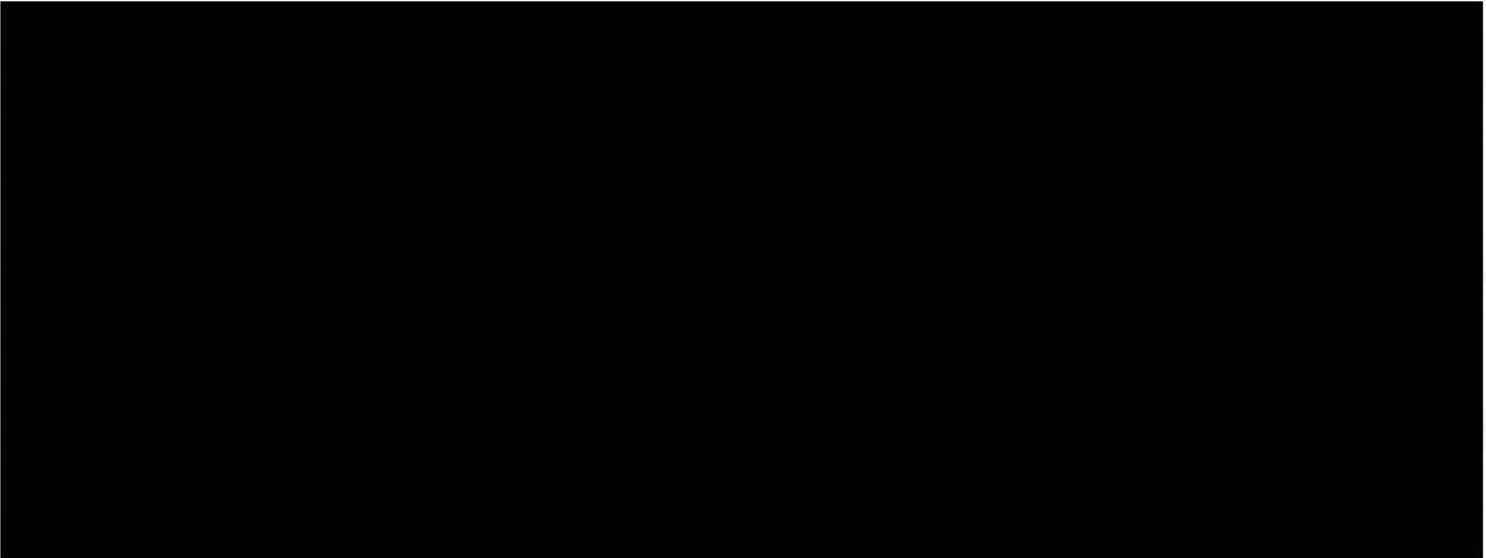
DATE: 8/9/99

DATE OF OCCURRENCE: 10/4/98

RESPONSE DUE DATE: 8/31/99

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.



(OVER)

RECEIVED  
SAN FRANCISCO POLICE  
30 AUG 99 21 45  
RECORD ROOM

OCC Case No. 881-98  
Off. Off. James O'Malley # 633

On October 4, 1998 you responded as backup to a 10-25 at the parking lot of [REDACTED] at [REDACTED] (IR [REDACTED]). The CAD printout concerning this incident is attached.

**INFORMATION REQUESTED:** *(Please provide a separate, detailed response to each question on a separate sheet of paper.)*

1. What was your unit assignment on October 4, 1998?
2. What did you first observe when you arrived at the parking lot of [REDACTED] a [REDACTED]?
3. Where was the complainant [REDACTED], and what was he doing?
4. Which officers were already on the scene, and what were they doing in relation to [REDACTED]?
5. What physical contact did you observe between any officer(s) and [REDACTED] (please describe in detail)?
6. What physical contact, if any, did you have with [REDACTED]?
7. What did [REDACTED] say to you or any other officer(s) at the scene (please give as much detail as possible)?
8. What, if anything, did you say to [REDACTED] (please be as detailed and specific as possible)?
9. Describe, with as much detail as possible, anything that any other officer(s) said to Asaneko Green.
10. Did you hear anyone at the scene use profanity?
  - A) Who used profanity?
  - B) Exactly what did they say?
11. Did you hear anyone at the scene yell? If so, please describe in detail what they said, and how they said it.
12. Were any civilian witnesses in the parking lot while any portion of this incident was occurring?
  - A) What were they doing?

RECEIVED  
SAN FRANCISCO POLICE  
30 AUG 99 21 45  
RECORD ROOM

13. At any point, did you hear [REDACTED] complain of any physical pain and or injuries?

A) If so, describe in detail what he said.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: ONE STATEMENT

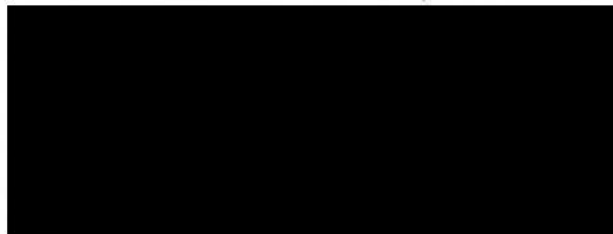
MEMBER'S SIGNATURE: [REDACTED]

DATE: 8-30-99

RECEIVED  
SAN FRANCISCO POLICE  
30 AUG 99 21 45  
RECORD ROOM

OCC CASE # 881-98

1. I DON'T REMEMBER. I RESPONDED ALONE IN A MARKED POLICE CAR.
  2. I SAW [REDACTED] STANDING IN THE PARKING LOT WITH OFC. CONLEY ,OFC. BURKE AND ANOTHER OFFICER STANDING BEHIND HIM. I HEARD OFC. CONLEY PLEADING WITH [REDACTED] TO PUT HIS HANDS BEHIND HIS BACK FOR HANDCUFFING BECAUSE HE WAS UNDER ARREST. [REDACTED] IS A LARGE MALE AND WAS PULLING AWAY FROM THE OFFICERS. [REDACTED] REFUSED COMPLY WITH OFFICER CONLEY'S DEMANDS.
  3. SEE NUMBER 2
  4. SEE NUMBER 2
  5. AS [REDACTED] WAS PULLING AWAY HE EITHER FELL OR WAS TRIPPED AND THE OFFICERS WENT WITH HIM.
  6. NONE
  7. NOTHING THAT I REMEMBER, DUE TO THE LENGTH OF TIME BETWEEN THE INCIDENT AND NOW.
  8. NOTHING THAT I REMEMBER.
  9. NOTHING THAT I REMEMBER.
  10. NO.
  11. I CAN'T SAY THAT I DID.
  12. I REMEBER A COUPLE OF GUYS LOITERING NEAR A CAR THAT WAS PARKED ALONG THE BUILDING LINE. A) I DON'T REMEBER.
  13. NO.
- I DON'T KNOW OF ANY OTHER WITNESSES.  
NO, I DON'T THINK AN ORAL INTERVIEW WOULD AID THIS INVESTIGATION.  
I MERELY TRANSPORTED [REDACTED] AFTER HIS ARREST.



RECEIVED  
SAN FRANCISCO POLICE  
30 AUG 99 21 45  
RECORD ROOM

**OFFICE OF CITIZEN COMPLAINTS  
MEMBER RESPONSE FORM**

TO: **SGT. MICHAEL MORLEY # 2237** RE: OCC CASE No. 881-98

FROM: Jayson Wechter

COMPLAINANT: [REDACTED]

DATE: 8/9/99

DATE OF OCCURRENCE: 10/4/98

RESPONSE DUE DATE: 8/31/99

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

OCC Case No. 881-98  
Off. Sgt. Michael Morley # 633

On October 4, 1998 at approx. 1612 hours you apparently responded as backup to a 10-25 at the parking lot of [REDACTED] at [REDACTED] (See IR # [REDACTED]). The CAD printout concerning this incident is attached.

**INFORMATION REQUESTED:** *(Please provide a separate, detailed response to each question on a separate sheet of paper.)*

1. What was your unit assignment on October 4, 1998?
2. What did you first observe when you arrived at the parking lot of [REDACTED] at [REDACTED]?
3. Where was the complainant [REDACTED], and what was he doing?
4. Which officers were already on the scene, and what were they doing in relation to [REDACTED]?
5. What physical contact did you observe between any officer(s) and [REDACTED] (please describe in detail)?
6. What physical contact, if any, did you have with [REDACTED]?
7. What did [REDACTED] say to you or any other officer(s) at the scene (please give as much detail as possible)?
8. What, if anything, did you say to [REDACTED] (please be as detailed and specific as possible)?
9. Describe, with as much detail as possible, anything that any other officer(s) said to [REDACTED].
10. Did you hear anyone at the scene use profanity?
  - A) Who used profanity?
  - B) Exactly what did they say?
11. Did you hear anyone at the scene yell? If so, please describe in detail what they said, and how they said it.



12. Were any civilian witnesses in the parking lot while any portion of this incident was occurring?

A) What were they doing?

13. At any point, did you hear [REDACTED] complain of any physical pain and or injuries?

A) If so, describe in detail what he said.

14) Did any officer report the use of force to you?

A) Who reported using force?

B) In as much detail as possible, what force did they describe?

C) What did you do in response to this?

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED:

MEMBER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

RESPONSE TO O.C.C. CASE NUMBER 881-98

SUBMITTED BY SGT. MICHAEL MORLEY #2237 *MM*

1. 3C104
2. The suspect [REDACTED] was in custody and being place into a police car.
3. He was being place into a police car.
4. I don't recall. Refer to S.F.P.D. case number [REDACTED].
5. None other than the suspect being placed into a police car.
6. None.
7. I do not recall having any contact with [REDACTED].
8. I do not recall saying anything to [REDACTED].
9. I do not recall anything said to [REDACTED].
10. No.
11. I do not recall.

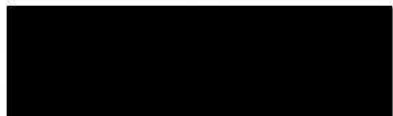
THE POLICE COMMISSION  
**OFFICE OF CITIZEN COMPLAINTS**

CITY AND COUNTY OF SAN FRANCISCO



**Mary C. Dunlap**  
Director

10 February 1999



Re: OCC Case 881-98

Dear [REDACTED]:

Enclosed are two medical releases, as I mentioned to you on the telephone today. One is for your current elbow and shoulder treatment, and one is for the treatment you received for the first injury to your elbow.

Please sign them and return them as soon as possible. Also, please include the location and dates of treatment on both.

I look forward to getting these releases back with your signature as soon as possible, as I cannot get any medical records without them.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Irene F. Rapoza".

Irene F. Rapoza  
Investigator

# OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap  
Director

To: Officer W. Conley Star 2192, Bayview Station  
From: Investigator I. F. Rapoza *I. F. Rapoza*  
Date: 12/14/98  
Re: Complaint Number 881-98

I received your voice mail message today, and wanted to get back to you, but you were not at the station when I called. In answer to your question, I have not scheduled anything for your action in this case to date. I do not know how you got the copy of the complaint form, as I did not send it to you. You may have received the complaint form as part of a process at Bayview station, perhaps as part of the PIP program.

I probably will be sending something for your action in the near future, either a Member Response Form or an interview notice. However, as of today, I have nothing scheduled for you to do. Please consult your supervisor for information on how you received the complaint form.

# OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap  
Director




To: San Francisco General Hospital Medical Center  
Patient's Records Section

From: Irene F. Rapoza, Investigator *Irene F Rapoza*

Date: 12/7/98

RE: Request for Records for O.C.C. Case. 881 - 98

Enclosed is a Medical Release form from a person whose medical records are needed in a case I am investigating 

Please send the medical records referenced in the release to me as soon as possible. Thank you.

STAR DOCUMENT SERVICE, INC.  
DATE COPIED DEC 21 1998

COPIED BY *[Signature]*

12

*[Handwritten scribbles]*

LAST TRANSACTION REPORT FOR HP FAX-700 SERIES

VERSION: 01.03

FAX NAME: OCC  
FAX NUMBER: [REDACTED]

DATE: 06-JAN-99  
TIME: 13:02

DATE	TIME	REMOTE FAX NAME AND NUMBER	DURATION	PG	RESULT	DIAGNOSTIC
06-JAN	13:00 S	[REDACTED]	0:00:53	2	OK	663840100188

\*\*\*\*\*

S=FAX SENT  
I=POLL IN(FAX RECEIVED)  
O=POLLED OUT(FAX SENT)

TO PRINT THIS REPORT AUTOMATICALLY, SELECT AUTOMATIC REPORTS IN THE SETTINGS MENU.  
TO PRINT MANUALLY, PRESS THE REPORT/SPACE BUTTON, THEN PRESS ENTER.

THE POLICE COMMISSION  
**OFFICE OF CITIZEN COMPLAINTS**

CITY AND COUNTY OF SAN FRANCISCO



**Mary C. Dunlap**  
Director

November 2, 1998



Re: OCC Case 881-98

Dear [REDACTED]

Enclosed you will find two medical releases for your signature, as I mentioned on the phone today. One is for the medical records of your visit to SF General Hospital. The other is for the medical records from the paramedics who responded to the station. Please sign and date both releases and return them as soon as possible.

Also, as I mentioned on the phone today, in order to properly investigate your complaint, it is essential that I interview any witnesses. Please contact me as soon as possible with the names, addresses, and phone numbers of witnesses, as we discussed.

Very truly yours,

A handwritten signature in black ink that reads "Irene F. Rapoza".

Irene F. Rapoza  
Investigator

OCC Case No. 881-98

Off. [REDACTED]

On October 4, 1998 at approx. 1610 hours you apparently responded as backup to a 10-25 at the parking lot of [REDACTED] at [REDACTED] (See IR [REDACTED]). The CAD printout concerning this incident is attached.

**INFORMATION REQUESTED:** *(Please provide a separate, detailed response to each question on a separate sheet of paper.)*

1. What was your unit assignment on October 4, 1998? *3C13C*
2. What did you first observe when you arrived at the parking lot of [REDACTED] at [REDACTED]?
3. Where was the complainant [REDACTED] and what was he doing? *I DID NOT Respond to [REDACTED] ON THIS RUN.*
4. Which officers were already on the scene, and what were they doing in relation to [REDACTED]?
5. What physical contact did you observe between any officer(s) and [REDACTED] (please describe in detail)?
6. What physical contact, if any, did you have with [REDACTED]?
7. What did [REDACTED] say to you or any other officer(s) at the scene (please give as much detail as possible)?
8. What, if anything, did you say to [REDACTED] (please be as detailed and specific as possible)?
9. Describe, with as much detail as possible, anything that any other officer(s) said to [REDACTED]
10. Did you hear anyone at the scene use profanity?
  - A) Who used profanity?
  - B) Exactly what did they say?
11. Did you hear anyone at the scene yell? If so, please describe in detail what they said, and how they said it.



12. Were any civilian witnesses in the parking lot while any portion of this incident was occurring?

A) What were they doing?

13. At any point, did you hear [REDACTED] complain of any physical pain and or injuries?

A) If so, describe in detail what he said.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION? *No*

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: *None*

MEMBER'S SIGNATURE: [REDACTED]

DATE: *P-18-98*

RESPONSE TO QUESTIONS FROM OCC INVESTIGATOR JAYSON WECHTER. CASE # 881-98  
FROM OFFICER JOHN F. BURKE, #2240

1. 3C13C
2. WHEN I FIRST ARRIVED ALL I SAW WERE CARS PARKED IN THE PARKING LOT, AND SOME CITIZENS THAT WERE STANDING AROUND.
3. UPON FIRST ARRIVING I DID NOT INITIALLY SEE OFFICER CONLEY, NOR [REDACTED] FROM HEREON [REDACTED]. IN FACT I YELLED OUT TO SOME OF THE CITIZENS STANDING AROUND "WHERE IS THE POLICE OFFICER?" I THEN HEARD OFFICER CONLEY SAY, "I'M OVER HERE JOHN." I WALKED OVER TO WHERE I HEARD OFFICER CONLEY, AND SAW OFFICER CONLEY TELLING [REDACTED] TO PLACE HIS HANDS BEHIND HIS BACK, THAT HE WAS UNDER ARREST. [REDACTED] WAS REFUSING TO PLACE HIS HANDS BEHIND HIS BACK.
4. OFFICER CONLEY WAS ON SCENE. HE WAS ASKING [REDACTED] TO PLACE HIS HANDS BEHIND HIS BACK. I WAS ON SCENE AND I PLACED MYSELF IN A POSITION TO ACT AS A COVER OFFICER FOR OFFICER CONLEY. OFFICER DAROZA AND OFFICER O'MALLEY WERE JUST ARRIVING ON SCENE AND EXITING THEIR SEPARATE VEHICLES.
5. I SAW OFFICER CONLEY ATTEMPTED TO PUT ONE OF [REDACTED] HANDS BEHIND HIS BACK SO THAT HE COULD BE HANDCUFFED. [REDACTED] IMMEDIATELY RESISTED AND REFUSED TO LET CONLEY PLACE HIS HANDS BEHIND HIS BACK. IT SHOULD BE NOTED THAT [REDACTED] IS VERY LARGE AND STRONG. HE IS 6'-3", AT LEAST 225 LBS. I THEN ATTEMPTED TO PERFORM A TWIST LOCK GRIP ON [REDACTED] OTHER HANDS/WRIST. [REDACTED] WAS ABLE TO EASILY PULL HIS ARM AWAY FROM ME. [REDACTED] THEN STARTED TO SWING HIS ARM WILDLY AROUND. AT THIS POINT OFFICER CONLEY AND I PERFORMED A BAR ARM TAKE DOWN, TAKING [REDACTED] TO THE GROUND. OFFICERS O'MALLEY AND DAROZA THEN ASSISTED OFFICER CONLEY AND MYSELF IN PLACING [REDACTED] ARMS BEHIND HIS BACK SO THAT HE COULD BE CUFFED. I DON'T RECALL SEEING ANY OF THE OTHER OFFICERS WORKING ON [REDACTED] OTHER ARM, ALTHOUGH I AM SURE OFFICER CONLEY AND ANOTHER OFFICER WERE WORKING AS HARD TO PLACE [REDACTED] OTHER ARM BEHIND HIS BACK. ALL I REMEMBER IS USING ALL MY STRENGTH TO TRY TO PLACE ONE OF [REDACTED] ARMS BEHIND HIS BACK. I STILL DID NOT HAVE ENOUGH STRENGTH AND REQUIRED THE ASSISTANCE OF ANOTHER OFFICER, ALTHOUGH I'M NOT SURE WHICH OFFICER THAT WAS. WE EVENTUALLY WERE ABLE TO PLACE [REDACTED] IN CUFFS. HE WAS THEN TRANSPORTED TO COMPANY C.
6. ANSWERED IN PREVIOUS QUESTION.
7. I DON'T RECALL [REDACTED] SAYING MUCH. I DO REMEMBER HIM SWEARING AT OFFICER CONLEY AND MYSELF CALLING US 'MOTHERFUCKERS'.
8. I TOLD [REDACTED] TO "STOP RESISTING" ONCE OFFICER CONLEY AND MYSELF WERE USING PHYSICAL FORCE TO PLACE GREEN IN CUSTODY.
9. I HEARD OFFICER CONLEY TELL [REDACTED] RIGHT AS I ARRIVED ON SCENE, TO PLACE HIS HANDS BEHIND HIS BACK. CONLEY TOLD [REDACTED] THAT HE WAS UNDER ARREST FOR DRINKING IN PUBLIC. CONLEY TOLD [REDACTED] NUMEROUS TIMES TO PLACE HIS HANDS BEHIND HIS BACK. ONCE OFFICER CONLEY AND MYSELF STARTED TO USE PHYSICAL

FORCE IN AN ATTEMPT TO PLACE [REDACTED] IN CUSTODY, BOTH OFFICER CONLEY AND MYSELF TOLD [REDACTED] NUMEROUS TIMES TO "STOP RESISTING!"

10. I HEARD [REDACTED] SWEARING CALLING EITHER OFFICER CONLEY OR MYSELF A "MOTHER FUCKER".
11. I DON'T RECALL.
12. YES THERE WERE CIVILIAN WITNESSES PRESENT. I REMEMBER A CROWD GATHERING, AND BEING CONCERNED THAT THERE WERE NUMEROUS CITIZENS PRESENT THAT IT WAS BECOMING AN OFFICER SAFETY ISSUE. THE CROWD WAS MOVING CLOSER AND CLOSER TOWARD OFFICER CONLEY, OFFICER O'MALLEY, OFFICER DAROZA, [REDACTED] AND MYSELF DESPITE OUR REPEATED REQUESTS TO STAY BACK.
13. I CAN'T REMEMBER [REDACTED] COMPLAINING OF PHYSICAL PAIN. I THINK HE SAID THAT HIS FINGER WAS BROKEN, OR SOMETHING TO THAT EFFECT.
14. I DON'T KNOW ANY NAMES OR THE IDENTITIES OF ANY CIVILIAN WITNESSES.
15. I DON'T THINK AN ORAL INTERVIEW WOULD PROVIDE ANY ADDITIONAL INFORMATION FROM ME.
16. I DON'T HAVE ANY ADDITIONAL INFORMATION TO PROVIDE.
17. I DON'T HAVE ANY DOCUMENTS TO PROVIDE.

[REDACTED]

OFFICER JOHN F. BURKE, #2240      DATED AUGUST 18<sup>TH</sup>, 1999.

OCC Case No. 881-98  
Off. Off. John Burke # 2240

On October 4, 1998 you responded as backup to a 10-25 at the parking lot of [REDACTED] at [REDACTED] (IR [REDACTED]). The CAD printout concerning this incident is attached.

**INFORMATION REQUESTED:** *(Please provide a separate, detailed response to each question on a separate sheet of paper.)*

1. What was your unit assignment on October 4, 1998?
2. What did you first observe when you arrived at the parking lot of [REDACTED] at [REDACTED]?
3. Where was the complainant [REDACTED], and what was he doing?
4. Which officers were already on the scene, and what were they doing in relation to [REDACTED]?
5. What physical contact did you observe between any officer(s) and [REDACTED] (please describe in detail)?
6. What physical contact, if any, did you have with [REDACTED]?
7. What did [REDACTED] say to you or any other officer(s) at the scene (please give as much detail as possible)?
8. What, if anything, did you say to [REDACTED] (please be as detailed and specific as possible)?
9. Describe, with as much detail as possible, anything that any other officer(s) said to [REDACTED]
10. Did you hear anyone at the scene use profanity?
  - A) Who used profanity?
  - B) Exactly what did they say?
11. Did you hear anyone at the scene yell? If so, please describe in detail what they said, and how they said it.
12. Were any civilian witnesses in the parking lot while any portion of this incident was occurring?
  - A) What were they doing?

13. At any point, did you hear [REDACTED] complain of any physical pain and or injuries?

A) If so, describe in detail what he said.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED [REDACTED]

MEMBER'S SIGNATURE: [REDACTED]

DATE: 8-18-99

[REDACTED] OCC 881-98: witness  
[REDACTED]

Phone interview (taped) 817/99, 1301 -- 1317 hrs; J. Wechter

W and complainant standing talking, by garbage can on left side of [REDACTED] parking lot. Standing less than 5' apart. W doesn't recall if C was drinking -- I don't remember if had wine in his hand. W at [REDACTED] 10 -- 15 minutes; W can't recall if C there when he arrived.

Other people (maybe 10 -- 15) in parking lot. W doesn't recall who was out there.

PO pulled up, got out of car, asked C to put his hands up; before he could, off grabbed comp, grabbed his wrists, bending his wrists as cuffing.

Off on radio calling for backup.

Off: Tall officer, CONLEY. Told C to put his hands up. Conley grabbed C's arm. W not paying attnt to where C's hands were. Conley grabbed C's wrists, twist back, did some kind of restraining move. C in pain -- from look on face. C brought down to concrete. Conley held C down on ground, got on radio, called for BU. C hadn't said anything to Conley. Cuffed C w/in 30 -- 45 seconds.

W doesn't think C did anything to resist.

W doesn't recall Conley saying anything to C about drinking in public, asking for ID. CONLEY ASK C TO SIT DOWN? I don't recall. W doesn't really remember conversations, if any.

W doesn't recall PO using profanity.

W left as soon as other officers arrived. W walked off as soon as they pulled up.

W had previous encounter w/ Off. Conley -- few months before this incident. Conley claimed W threw something at him; W ran from him. 1X, W pulling out of parking lot, Conley pulled into bus stop, signalled W to go ahead, then followed him, pulled W over in his driveway, cited for failure to yield to peds on 3rd St. No force encounters w/ Conley.

# IMPORTANT MESSAGE

FOR Mrs. I Rapoza

DATE 12-98 TIME 1:30 A.M.  
P.M.

M [REDACTED]

OF [REDACTED]

PHONE [REDACTED]

AREA CODE NUMBER EXTENSION

FAX [REDACTED] pg 2

MOBILE [REDACTED]

AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input checked="" type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	WILL FAX TO YOU	<input type="checkbox"/>

MESSAGE Sorry, I've taken a

while to return papers

I've been in [REDACTED]

with my family's REWIND.

I'm able to walk more now

so I'll be in and out of

SIGNED Therapy

SF DPA - 0881-98 - 000047

12-7-98

WITNESS ON OCT 4, 1998

①

[REDACTED]

[REDACTED]

ON OCT 4, 1998

②

[REDACTED]

[REDACTED]

[REDACTED]

WORKS FOR THE CLEAN'S STORE AND THE PARKING LOT

③

[REDACTED]

[REDACTED]

(SHE DOESN'T KNOW ME, BUT SEEN EVERYTHING ON OCT 4, 1998)

④

[REDACTED]

HE'S THE ONE GUY THAT WAS NEXT TO ME AND THE OFFICER.

P.S. I'LL INFORM THE WITNESSES THAT YOU'LL GIVE THEM A CALL SOMETIME THIS WEEK!

THANK'S A LOT

[REDACTED]



[REDACTED]

[REDACTED]

- works for owner + maintain



@ Work - [redacted] - manager also  
[redacted] - coworker working that day

Officer looked @ him: "what, what." Comp. said, "you have it all day"  
officer got out of car & came up to comp. - looking @ comp hard &  
got irate.

5 police cars came up w/in a minute after PO talked on shoulder radio.

All got out of the cars & surrounded comp.  
6 to 8 police officers

\*"flineh"  
→ One officer gave order to go in. - Comp. had hands behind back  
Comp. flexed his muscle & PO lost his grip. held him down.  
then all pos "attacked" - pushed comp. down &

talked w/  
doctor @ General  
about this.

- Knee: skin <sup>scraped +</sup> swelling
- Elbow: swollen
- Shoulder: "out of place"
- Right finger - Index <sup>broken</sup>

\* Comp. says he wasn't resisting.  
he remembered a previous injury  
from Pos & flexed - flexed his muscle.

Comp. 6'5" + 220+ - if was resisting he'd hurt the Pos, he said

Seven had him down on  
ground -

original officer grabbed  
his finger & snapped it,  
as comp. was on the  
ground, not resisting.

Picked him up & put him in  
car.

witnesses:



Comp. will call back with info about witnesses.

[redacted] comp's brother

[redacted] - swing shift: starts  
@ 4:00 PM

[redacted] - swing shift. also

PO taunting comp - yeah, who's the tough guy now  
It's ~~his~~ time for me to talk.  
He used the term "Mother fucker."

Paramedic came to station - told comp. it would  
cost him if paramedic took him to hospital,  
~~they~~ they bandaged up the face.  
Paramedic said he wasn't going to take him to  
hospital.

P.O.s: got him in & out of station in 20 minutes.

PO ~~found~~ picked up wine & weed & put it on comp.  
Wine - he was not drinking it - he was throwing  
a bottle away.  
Weed - marijuana - was not his - someone  
in parking lot dropped it when police rolled up.

both hands pushed up back  
L arm - tensed <sup>& locked arm.</sup> unknown officer

#2192 - broke finger.

Down on ground -

#2192

hands straight out from body, "like Christ."

POs had locks on him

#2192 grabbed finger.

**IMPORTANT MESSAGE**

FOR Eileen G  
DATE 11-5-98 TIME 4:01 A.M.  
P.M.

NAME [REDACTED]

OF [REDACTED]

PHONE [REDACTED]  
AREA CODE NUMBER EXTENSION

FAX

MOBILE [REDACTED]  
AREA CODE NUMBER TIME TO CALL

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	WILL CALL AGAIN	<input checked="" type="checkbox"/>
WANTS TO SEE YOU	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	WILL FAX TO YOU	<input type="checkbox"/>

MESSAGE Hi, I Drop in to inform you that I'll have my doctor sign the paper work on Monday 11-8-98 and I will either mail them or drop them off at your office.

SIGNED \_\_\_\_\_

TOPS  FORM 4005 LITHO IN U.S.A.

Received on 11/9/98  
from Eileen G.

811-91  
8/27/84 JW

Stevens    ACD    #1233  
AD    rep.

on path of 300 x 1000 - cell  
for help ✓ 5180 3ms -  
cut well but not cut for -  
at 141 - residential market -

portion of d (of valley - reception  
to 010/

— road varies greatly —  
~~road~~

— arrived — 3-4 units there —

From c helped, on side  
in pt pt -

county - cells of help  
1967c

in person off pt - self  
off pt, on -

679

C in the state <sup>Mississippi</sup> long  
 1920 - 100 people gathered and - 200  
 1911 C - 200 of the at  
 had 7 people on -

C Wisconsin 2000 left -  
 2 left in July 1922  
 Motion -  
 police had had look on C's own

a lot of people and - 100 -  
 100 of and

now saw now off pp C's  
 lake / before

after C on just - C's close  
 we off - 100 they  
 to 100 had on the last -

W had the contact w/ C

Q  
W had to buy some books -  
narrating Vol 1 of the series

W was with the contact in  
the street

C contacted W / interview

ad - "the subject is the  
the subject is the  
the subject is the"

W was in C's home - W did not

W's car assistance - did not

W's car - did not



1/5/98-

[redacted] called -

- The "main officer" was at the store today asking [redacted] the owner of the store, if [redacted] was on the payroll at the store. This concerned [redacted] and in turn concerned [redacted]. Because [redacted] is not on the payroll. He is called once in a while to work in the parking lot to keep [redacted] uncle. For this [redacted] is paid "under the table" and he is not a regular employee. [redacted] is concerned, [redacted] says that the police are going to "mess with his business" because of this informal payment arrangement.
- [redacted] said that the police officer was "doing his little tactics" by asking the question.
- [redacted] asked if I had received the medical records. Told him I had, but did not discuss the contents.

881-98 2/10/99

Called to tell me that when he was a teenager  
he was rushed by police, then threw him  
against the wall, grabbed his wrist, & pulled his arm up  
& hoke his arm in five different  
places. elbow

13 or 14 years old

'85 or '86

Re-injured <sup>R</sup> elbow + <sup>R</sup> shoulder - grabbed wrist & yanked it up/back.  
mentioned to General Hospital staff  
mentioned to jail people.

Face down - spread out like a cross  
put his arms in handcuff position: unknown to.

Linda -

Please: I need records from the data base - Anything on:

① Comp's name: [REDACTED]

② P.O. Name + #: [REDACTED] [REDACTED]  
(not currently employed by SFPD)

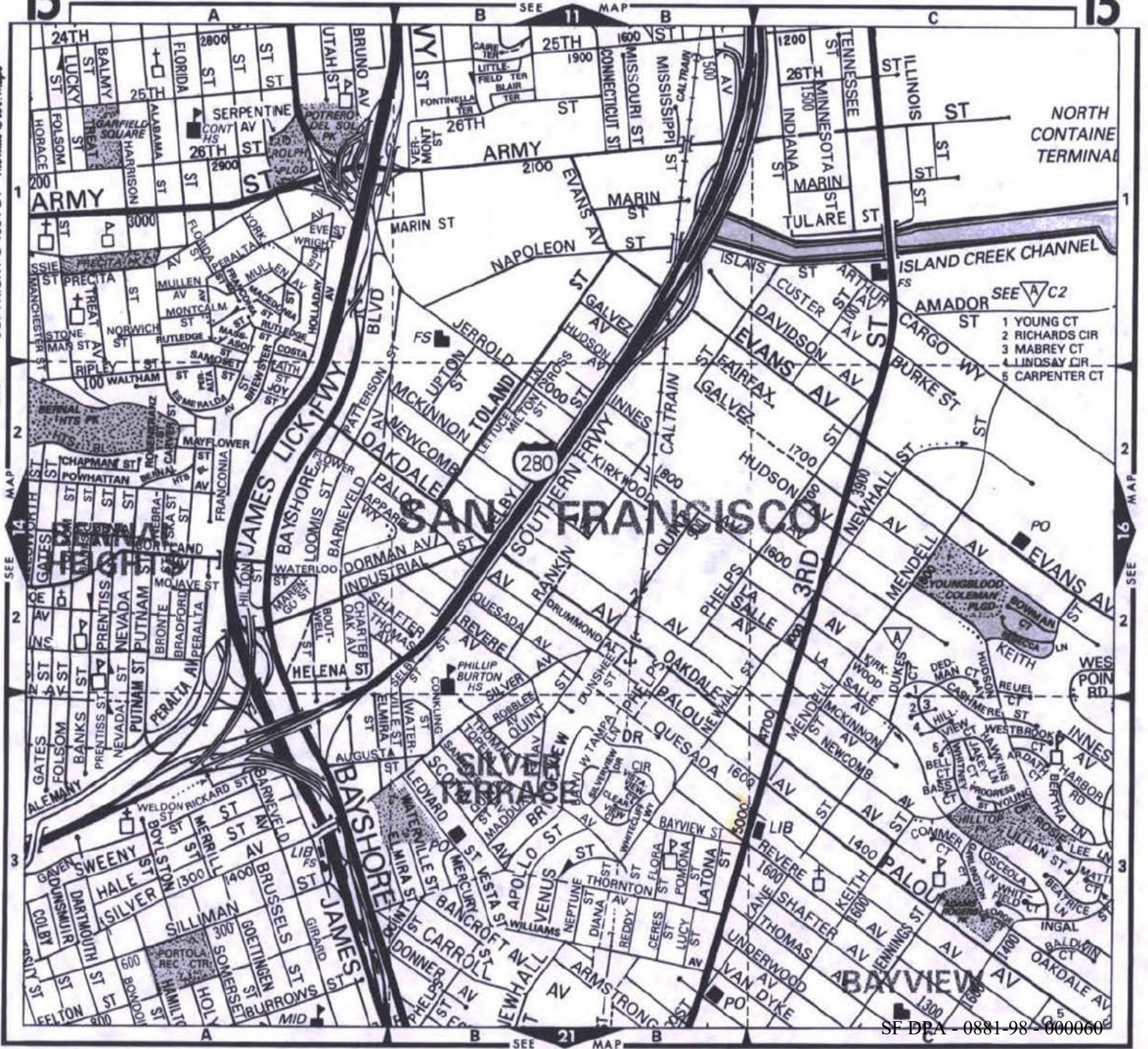
Also, please request  
Cases from File safe:

0 - [REDACTED]

0 - [REDACTED]

Thanks,  
Jene  
2/11/99

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SAN FRANCISCO

DETAIL

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT HEADING

Records - Original

ARREST MADE  SUSP. KNOWN  SUSP. UNK.  NON-SUSP. INCIDENT

HEADING	TYPE OF INCIDENT <b>MARIJUANA OFFENSE, ALCOHOL CONSUMING IN PUBLIC VIEW</b>		INITIAL <input checked="" type="checkbox"/>	[REDACTED]	
	<b>RESISTING, DELAYING, OR OBSTRUCTING PEACE OFFICERS DUTIES</b>		SUPP. <input type="checkbox"/>		
	REPORTING UNIT <b>3023</b>	DATE / TIME OF OCCURRENCE <b>10-4-98-1609</b>	DATE / TIME REPORTED TO POLICE <b>10-4-98-1609</b>	RELATED CASE NUMBER(S) <b>None</b>	
	LOCATION OF OCCURRENCE [REDACTED]	TYPE OF PREMISES <b>STREET (PARKING LOT)</b>	LOCATION SENT TO <b>ON VIEW</b>		

I DECLARE, UNDER PENALTY OF PERJURY, THIS REPORT OF 5 PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE, OR IS BASED ON INFORMATION AND BELIEF FOLLOWING AN INVESTIGATION OF THE EVENTS AND PARTIES INVOLVED.

PROP 115 CERTIFIED: 5 YRS  POST TRAINING

REPORTING OFFICER (PRINT) <b>W. CONKEY</b>	STAR <b>292</b>	SIGNATURE [REDACTED]
STATION <b>BAYVIEW</b>	REPORT REVIEWED BY (PRINT NAME / STAR) [REDACTED]	OIC APPROVAL (PRINT NAME / STAR) <b>Lt. M. Tabak #499 / MT</b>
WATCH <b>08/1800</b>	[REDACTED]	ASSIGNED BY (PRINT INITIAL/STAR) <b>WC#2192</b>

ASSIGN TO <b>55200</b>	INCIDENT CODES <b>27170, 16010, 30155</b>	HOW CLEARED <b>7</b>	COPIES TO (NAME OF UNITS) <b>2/6W, 2/MARC DA/2</b>	COPY TO <input checked="" type="checkbox"/> MIS	ICSS ENTRY
------------------------	---	----------------------	--	---	------------

RP CODES: F - FOUND; N - NOTIFY; P - PARENT; R - REPORTEE; V - VICTIM; W - WITNESS

CODE <b>R</b>	NAME (LAST, FIRST, MIDDLE) / FIRM NAME IF BUSINESS <b>S.F.P.D. #2192</b>	RACE	SEX	DOB / AGE	RESIDENCE PHONE (DAY / NIGHT)
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO				ZIP CODE	BUSINESS PHONE (DAY / NIGHT)
BUSINESS ADDRESS / NAME OF SCHOOL IF JUVENILE / CITY IF NOT SAN FRANCISCO <b>201 WILLIAMS</b>				ZIP CODE <b>94124</b>	RP'S RELATIONSHIP TO SUBJECT <b>None</b>
EXTENT OF INJURY / TREATMENT			VIOLENT CRIME NOTIFICATION STAR	FOLLOW-UP FORM	STATEMENT
OTHER INFORMATION / IF INTERPRETER NEEDED SPECIFY LANGUAGE			YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	YES <input type="checkbox"/>

SUBJECT CODES: A - ADMONISHED; B - BOOKED; C - CITED; D - DETAINED; E - EXONERATED; M - MISSING; S - SUSPECT; X - DIVERTED

CODE <b>C</b>	NAME (LAST, FIRST, MIDDLE) [REDACTED]	RACE <b>B</b>	SEX <b>M</b>	DOB / AGE [REDACTED]	ALIAS
HEIGHT <b>6'3"</b>	WEIGHT <b>225</b>	HAIR COLOR: UNK <input type="checkbox"/> BLK <input type="checkbox"/> BLN <input type="checkbox"/> GRN <input type="checkbox"/> SANDY <input type="checkbox"/> RED <input type="checkbox"/> BRN <input type="checkbox"/> WHI <input checked="" type="checkbox"/> BALD <input checked="" type="checkbox"/>	EYE COLOR: UNK <input type="checkbox"/> BLK <input type="checkbox"/> BLU <input type="checkbox"/> GRN <input type="checkbox"/> HAZ <input type="checkbox"/> GRN <input type="checkbox"/> MIXED <input type="checkbox"/>	[REDACTED]	
HOME / CONTACT PHONE [REDACTED]	ID NO. (SOC. SEC. / OP. LIC. / FBI / CID) [REDACTED]	SF NO. / X NO. [REDACTED]			

BOOKING SECTIONS / CHARGE # 1	CHARGE # 2	CHARGE # 3	CHARGE # 4	WHERE BOOKED
WARRANT #	COURT #	ACTION #	DEPT / ENROUTE TO	CWB CHECK (PRINT NAME / STAR) <b>CABLE/NEG #292</b>
WARRANT VIOLATION(S)	BAIL	MIRANDIZED	STAR	STATEMENT
CITATION #	CITE VIOLATION(S) <b>21 M.P.C., 148 (RESIST) PC, 11357(b) HRS</b>	DATE / TIME OF APPEARANCE <b>11/11/98-0800</b>	LOCATION OF APPEARANCE <b>H.O. # DM#475</b>	
SCHOOL NAME IF JUVENILE	J # / D #	BOOK / CITE APPROVED BY (PRINT NAME / STAR) <b>SM MORLEY #2237</b>	RECEIVED SAN FRANCISCO POLICE NOV 09 09 55	
M X-RAYS	MASS ARREST CODE	OTHER INFORMATION: CITATION / WARRANT / BOOKING CHARGE(S) / MISSING PERSON - SUBJECT DESCRIPTION <b>WEARING A GRAY SHIRT + BLUE SWEAT PANTS.</b>		

PRIVATE PERSON'S ARREST: \*ON THIS DATE, I ARRESTED THIS PERSON FOR THE PUBLIC OFFENSE(S) LISTED, COMMITTED IN MY PRESENCE IN SAN FRANCISCO, CALIFORNIA. I DELIVERED THIS PERSON TO THE SFPD AND I WILL SIGN A WRITTEN COMPLAINT CHARGING THIS PERSON WITH THE COMMISSION OF THESE PUBLIC OFFENSES.\*

SEPARATE PRIVATE PERSON'S ARREST FORM ATTACHED

NAME (PRINT) \_\_\_\_\_ SIGNATURE \_\_\_\_\_

PROPERTY CONDITION CODES: D - DAMAGE; E - EVIDENCE; F - FOUND; L - LOST; P - PROPERTY FOR SAFEKEEPING; R - RECOVERED; S - STOLEN

ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	2-1	PHOTOS				
	SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
	NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	2-2	(SUSPECTED) MARIJUANA GREEN LEAF SUBSTANCE	(1)			
	SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
	NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
	981 60622	ONE (1) SMALL PLASTIC BAGGIE CONTAINING A GREEN LEAF SUBSTANCE (SUSPECTED) MARIJUANA				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
	NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
	NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
	NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
	NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
	NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				

## INCIDENT REPORT NARRATIVE

WHILE ON PATROL, IN UNIFORM AND IN A MARKED POLICE UNIT, I OBSERVED NUMEROUS PEOPLE(10-15)DRINKING ALCOHOLIC BEVERAGES AND LOITERING IN THE PARKING LOT OF [REDACTED] ADDITIONALLY PARKED VEHICLES WERE PLAYING LOUD MUSIC. MANY RESIDENTS OF THE AREA, INCLUDING THE OWNERS OF THE [REDACTED] HAVE MADE COMPLAINTS TO BAYVIEW STATION REGARDING THE ILLEGAL ACTIVITY THAT OCCURS ON A DAILY BASIS IN FRONT OF THE PREMISES( I.E. SALES AND POSSESSION OF DRUGS, POSSESSION OF OPEN ALCOHOLIC BEVERAGES AND NUMEROUS NOISE DISTURBANCES.)

I TOLD NUMEROUS PEOPLE TO PLEASE VACATE THE AREA AND POUR OUT THEIR OPEN ALCOHOLIC CONTAINERS. MOST OF THE PEOPLE IN THE CROWD COMPLIED WITH MY REQUEST. I THEN NOTICED (C [REDACTED] STARING DIRECTLY AT ME WHILE DRINKING A BEVERAGE. I ASKED [REDACTED] WHAT HE WAS DRINKING. [REDACTED] TOLD ME IT WAS A CUP OF WINE. I AGAIN TOLD [REDACTED] THAT HE NEEDED TO POUR THE WINE OUT AND VACATE THE AREA. [REDACTED] CONTINUED TO STARE AT ME IN AN INTIMIDATING MANNER AND DRINK HIS CUP OF WINE. I THEN TOLD [REDACTED] THAT DRINKING IN PUBLIC WAS A VIOLATION OF THE LAW (21 M.P.C). [REDACTED] ANGRILY REPLIED "I KNOW THE LAW! YOU DON'T NEED TO TELL ME WHAT THE LAW IS!". I AGAIN REQUESTED FOR [REDACTED] TO VACATE THE AREA. [REDACTED] CONTINUED TO DRINK HIS OPEN CONTAINER AND LOITER IN THE PARKING LOT. I THEN EXITED MY PATROL CAR AND REQUESTED [REDACTED] IDENTIFICATION FOR THE VIOLATION OF 21 M.P.C. [REDACTED] RESPONDED BY TELLING ME " WHY YOU GOTTA DO THIS?I AIN'T DOIN NOTHIN WRONG!". I AGAIN ASKED [REDACTED] FOR IDENTIFICATION. [REDACTED] TOLD ME THAT HE DID NOT HAVE ANY TYPE OF IDENTIFICATION ON HIS PERSON. [REDACTED] VOICE WAS GETTING LOUDER AND LOUDER AND I COULD SEE THAT HE WAS BECOME MORE ANGRY. [REDACTED] CONTINUED TO STATE "I DON'T KNOW WHY YOUR FUCKIN WITH ME!". BASED ON [REDACTED] SIZE (6-03, 230LBS.) HIS AGGRESSIVE ATTITUDE TOWARD MYSELF, I ASKED [REDACTED] TO PLEASE SIT DOWN ON THE SIDE WALK. [REDACTED] BECAME MORE IRRITATED AND STATED "WHY DO I HAVE TO SIT DOWN!". I TOLD [REDACTED] THAT FOR HIS AND MY SAFETY I WANTED HIM TO SIT ON THE CURB. [REDACTED] AGAIN REFUSED TO COMPLY WITH MY DIRECTIVES AND INSTEAD WANTED TO ARGUE WITH ME. THERE WERE APPROXIMATELY 10-15 PEOPLE PRESENT AND I IMMEDIATELY CALLED FOR A BACK UP UNIT DUE TO [REDACTED] FAILURE TO RESPOND TO MY DIRECTIVES. I ASKED [REDACTED] BETWEEN 6-7 TIMES TO SIT ON THE GROUND WHICH HE REFUSED TO DO EACH TIME.

3C11C, OFFICER BURKE#2240 ARRIVED AT THE SCENE TO ASSIST ME. BASED ON [REDACTED] AGGRESSIVE BEHAVIOR, REFUSAL TO COMPLY WITH ANY OF MY DIRECTIVES, FAILURE TO PROVIDE ANY TYPE OF IDENTIFICATION FOR THE

## INCIDENT REPORT NARRATIVE

VIOLATION OF 21 M.P.C, AND THE LARGE CROWD, I DECIDED TO HAVE [REDACTED] ARRESTED AND TRANSPORTED TO THE STATION FOR SAFETY REASONS.

I THEN TOLD [REDACTED] TO PUT HIS HANDS BEHIND HIS BACK SO THAT I COULD HANDCUFF HIM. [REDACTED] IN AN ACT OF REFUSAL PUT HIS HANDS ON TOP OF HIS HEAD.(BY THIS TIME 3C11C, OFC. OMALLEY#633, 3C4B OFC. DAROZA#1412 HAD ARRIVED AT THE SCENE T ASSIST.) I AGAIN ASKED [REDACTED] TO PLACE BOTH OF HIS HANDS IN THE SMALL OF HIS BACK SO THAT HE COULD BE HANDCUFFED. AGAIN [REDACTED] REFUSED TO FOLLOW MY DIRECTIVE . I ASKED [REDACTED] A TOTAL OF 4-5 TIMES FOR HIM TO PUT HIS HANDS BEHIND HIS BACK [REDACTED] DID NOT COMPLY WITH MY ORDERS. I FINALLY ATTEMPTED TO PUT [REDACTED] HANDS BEHIND HIS BACK. [REDACTED] IMMEDIATELY BEGAN TO RESIST BY FORCIBLY ATTEMPTING TO KEEP HIS HANDS ON HIS HEAD. OFFICER BURKE, OBSERVING [REDACTED] RESISTANCE, ATTEMPTED A TWIST LOCK GRIP ON [REDACTED] LEFT HAND. [REDACTED] THE YELLED "GET THE FUCK OFF ME MOTHER FUCKER!". [REDACTED] IMMEDIATELY BEGAN SWINGING HIS LEFT ARM IN A WILD AND AGGRESSIVE MANNER. OFFICER BURKE AND MYSELF THEN PERFORMED A BAR ARM TAKE DOWN TO [REDACTED] OFFICERS OMALLEY AND DAROZA ASSISTED US BASED ON [REDACTED] STRENGTH. AS [REDACTED] WAS ON THE GROUND HIS ARMS WERE PRONED OUT LIKE AN AIR PLANE. [REDACTED] WAS VERY STRONG AND RESISTED TO HAVING HIS HANDS PUT BEHIND HIS BACK. I ASKED [REDACTED] THREE separate TIMES TO STOP RESISTING AND PLACE HIS HANDS BEHIND HIS BACK. [REDACTED] REFUSED TO LISTEN TO MY DIRECTIVES AND CONTINUED TO RESIST. I THEN ATTEMPTED TO PUT [REDACTED] ARM BEHIND HIS BACK BUT WAS UNABLE TO DO SO BECAUSE OF HIS STRENGTH. I THEN PREFORMED A FINGER BEND TECHNIQUE ON [REDACTED] RIGHT INDEX FINGER IN ORDER TO GET HIS HANDS BEHIND HIS BACK. WHILE USING THE BENT FINGER PAIN COMPLIANCE TECHNIQUE I HEARD [REDACTED] FINGER SNAP AT WHICH TIME [REDACTED] IMMEDIATELY PUT BOTH OF HIS HANDS BEHIND HIS BACK. [REDACTED] WAS TAKEN INTO CUSTODY WITHOUT FURTHER INCIDENT. 3C104, SGT MORLEY#2237 RESPONDED TO THE SCENE AND WAS IMMEDIATELY NOTIFIED REGARDING THE USE OF FORCE. [REDACTED] WAS TRANSPORTED TO CO. C. DURING A SEARCH INCIDENT TO ARREST OFC. [REDACTED] RETRIEVED A SMALL PLASTIC (E-2)BAGGIE CONTAINING A GREEN LEAF SUBSTANCE FROM [REDACTED] RIGHT FRONT PANT POCKET. I CONFISCATED THE BOTTLE OF WINE THAT [REDACTED] HAD IN HIS POSSESSION AT THE TIME OF THE INCIDENT. A 1.5 LITER BOTTLE OF CARLO ROSSI WHITE ZINFANDEL.

AT THE COMPANY AN AMERICAN MEDICAL RESPONSE AMBULANCE COMPANY ARRIVED TO TREAT [REDACTED] FOR HIS BENT FINGER. MEDIC#6 [REDACTED] PARAMEDIC [REDACTED] TREATED [REDACTED] [REDACTED] STATED THAT [REDACTED] HAD PROBABLY DISLOCATED HIS INDEX FINGER. I TOOK AN (E-1)PHOTO OF



## INCIDENT REPORT NARRATIVE

██████████ INJURY AND ENTIRE BODY. ██████████ WAS CITED AND RELEASED AT THE COMPANY FOR THE ABOVE CHARGES. ██████████ STATED HE WOULD RESPOND TO THE HOSPITAL TO SEEK FURTHER MEDICAL ASSISTANCE. SGT MORLEY ENTERED THE USE OF FORCE IN THE USE OF FORCE LOG. THE (E-2) WAS HAND CARRIED TO THE H.OJ NARCOTICS DROP BOX WHERE IT WAS BOOKED. I BOOKED (E-1) PHOTOS AT CO. C. IT SHOULD BE NOTED THAT I WAS ABLE TO CONFIRM ██████████ IDENTITY THROUGH OUR COMPUTER SYSTEM AT CO.C.

10/22/98 THU 12:32 FAX 1 415 671 2345 BAYVIEW STATION SFPD 1 415 671 2345 BAYVIEW STATION SFPD +---+ FO&B MORNING REP @001

SAN FRANCISCO POLICE DEPARTMENT

USE OF FORCE LOG

Reporting Period: Beginning 10-1-98 Ending 10-15-98  
 Mo. Day Yr. Mo. Day Yr.

DATE	CASE NUMBER	OFFICER USING FORCE NAME & STAR #	REVIEWING SUPERVISOR NAME & STAR #	PHYSICAL CONTROL <input checked="" type="checkbox"/>	STRIKE BY FIST OR OBJECT <input checked="" type="checkbox"/>	CHEMICAL AGENT/MACE/O.C. <input checked="" type="checkbox"/>	BATON/STRIKE OR JAB <input checked="" type="checkbox"/>	CAROTID RESTRAINT <input checked="" type="checkbox"/>	FIREARM <input checked="" type="checkbox"/>	SUSPECT INJURED	SUSPECT COMPLAINT OF INJURY	OFFICER INJURED DURING USE OF REPORTABLE FORCE	COMMENTS
10-4-98		CONLEY, W. #2192	Sgt MORLEY #2237	<input checked="" type="checkbox"/>						Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	
CAPTAIN S. HARPER #1547 BAYVIEW POLICE STATION COMMANDING OFFICER (SIGNATURE)			C UNIT	FORWARD ONE COPY TO: BUREAU HEADQUARTERS. FORWARD COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER, M.C.D. AND TRAINING DIVISION. 1ST AND 15TH OF EACH MONTH									

Joaquin Santos  
Deputy Chief

**SEC. 13. SOLICITATION OF PEDESTRIANS PROHIBITED; PENALTY; EXCEPTION.** (a) No person shall stand or shall cause or permit any person to stand nor shall an employer cause or permit any person to stand on the sidewalk or street in front of any store or building for the purpose of calling the attention of passersby to goods, wares or merchandise displayed or on sale in such store or building, or in any other store or building, or to solicit patronage for any business or service or to entice or persuade passersby to enter such store or building or any other store or building, or to accept the service of any business.

(b) **Penalty.** Any person who violates any provision of this Section shall be guilty of an infraction, the penalty for which shall be as follows:

- (1) A fine of not less than \$100 nor more than \$250;
- (2) A fine of not less than \$250 nor more than \$750 for a second offense occurring within six months of the prior offense; and
- (3) A fine of not less than \$750 nor more than \$1,000 for a third and each subsequent offense occurring within six months of a prior offense.

(c) **Exception.** It is not intended that this Section shall apply where its application would result in an interference with or inhibition of any exercise of the constitutionally protected right of freedom of speech or assembly, or with the distribution of leaflets, handbills or other written materials. (Added by Ord. 614-79, App. 12/13/79)

**SEC. 18. PENALTY.** Any person who shall violate any of the provisions of Section 17 of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$50 or by imprisonment in the County Jail for not more than 30 days or by both such fine and imprisonment. (Added by Ord. 1.075, App. 10/11/38)

**SEC. 21. CONSUMING ALCOHOLIC BEVERAGES ON PUBLIC STREETS, ETC., OR ON PUBLIC PROPERTY OPEN TO PUBLIC VIEW PROHIBITED; PENALTY.** (a) No person shall consume any alcoholic beverage in any quantity on any public street, avenue, sidewalk, stairway, alley, or thoroughfare within the City and County of San Francisco; nor shall any person consume any alcoholic beverage within 15 feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or the person in lawful possession thereof; provided, however, that the provisions of this Section shall not apply to the interior portion of any private dwelling, habitat, or building, to the consumption by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content, or to those persons consuming alcoholic beverages while viewing a parade for which a permit has been granted pursuant to Section 367 of this Code. Further, this Section shall not be applicable in those prescribed areas and during such time for which permission for temporary use or occupancy of public streets and appurtenant areas has been granted by:

(1) The Board of Supervisors pursuant to the provisions of Section 2.70 of the Administrative Code;

(2) The Department of Public Works pursuant to the provisions of Article 5.2 of the Public Works Code for a business establishment anywhere in San Francisco that meets the requirements of a full-service restaurant, pursuant to Planning Code Section 790.92 as interpreted by the Zoning Administrator; or

(3) The Department of Public Works pursuant to the provisions of Article 5.2 of the Public Works Code for a business establishment that had a valid tables and chairs permit and California Department of Alcoholic Beverage Control beverage license or permit on the effective date of this ordinance.

(b) **Penalty.** Any person who shall violate the provisions of this Section shall be guilty of an infraction, the penalty for which shall be a fine of not less than \$25 nor more than \$100. (Amended by Ord. 156-86, App. 5/9/86; Ord. 400-97, App. 10/17/97)

**SEC. 22. OBSTRUCTING ANY STREET, SIDEWALK, PASSAGEWAY OR OTHER PUBLIC WAY PROHIBITED; PENALTY; EXCEPTIONS.** (a) No person shall wilfully and substantially obstruct the free passage of any person or persons on any street, sidewalk, passageway or other public place.

(b) **Penalty.** Any person who shall violate the provisions of this Section shall be guilty of an infraction, the penalty for which shall be a fine of not less than \$50 nor more than \$500.

(c) **Exceptions.** (1) It is not intended that this Section shall apply where its application would result in an interference with or inhibition of any exercise of the constitutionally protected right of freedom of speech or assembly; and (2) nothing contained herein shall be deemed to prohibit persons from sitting on public benches or other public facilities provided for such purpose. (Added by Ord. 454-79, App. 9/7/79)

**SEC. 23. OBSTRUCTING ANY STREET, SIDEWALK, PASSAGEWAY OR OTHER PUBLIC WAY PROHIBITED, SECOND OFFENSE WITHIN 24 HOURS; PENALTY; EXCEPTIONS.** (a) Any person who wilfully and substantially obstructs the free passage of any person or persons on any street, sidewalk, passageway or other public place within 24 hours after violating and being cited for said violation of Section 22 shall be in violation of this Section.

(b) **Penalty.** Any person who shall violate the provisions of this Section shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for a period not exceeding six months or by a fine of not more than \$500, or by both such fine and imprisonment.

(c) **Exceptions.** (1) It is not intended that this Section shall apply where its application would result in an interference with or inhibition of any exercise of the constitutionally protected right of freedom of speech or assembly; and (2) nothing contained herein shall be deemed to prohibit persons from sitting on public benches or other public facilities provided for such purpose. (Added by Ord. 454-79, App. 9/7/79)

**SEC. 24. OBSTRUCTING ANY STREET, SIDEWALK, PASSAGEWAY OR OTHER PUBLIC WAY PROHIBITED: SECOND OFFENSE WITHIN 120 DAYS OF CONVICTION; PENALTY; EXCEPTIONS.** (a) Any person who wilfully and substantially obstructs the free passage of any person or persons on any street, sidewalk, passageway or other public place within 120 days after the date of conviction of a violation of Section 22 shall be in violation of this Section.

(b) **Penalty.** Any person who shall violate the provisions of this Section shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the

**PC§ 148. Resisting or Obstructing Public Officer, Etc.; Removal of Officer's Firearm**

- (a) (1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, \*\*\* shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not \*\*\* to exceed one year, or by both \*\*\* that fine and imprisonment.
- (2) Except as provided by subdivision (d) of Section 653t, every person who knowingly and maliciously interrupts, disrupts, impedes, or otherwise interferes with the transmission of a communication over a police radio frequency shall be punished by a fine not exceeding one thousand dollars (\$1,000), imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.
- (b) Every person who, during the commission of any offense described in subdivision (a), removes or takes any weapon, other than a firearm, from the person of, or immediate presence of, a public officer or peace officer \*\*\* shall be punished by imprisonment in \*\*\* a county jail not to exceed one year\*\*\* or in the state prison.
- (c) Every person who, during the commission of any offense described in subdivision (a), removes or takes a firearm from the person of, or immediate presence of, a public officer or peace officer \*\*\* shall be punished by imprisonment in the state prison.
- (d) \*\*\*Except as provided in subdivision (c) and notwithstanding subdivision (a) of Section 489, every person who removes or takes without intent to permanently deprive, or who attempts to remove or take a firearm from the person of, or immediate presence of, a public officer or peace officer \*\*\* , while the officer is engaged in the performance of his or her lawful duties, shall be punished by imprisonment in a county jail not to exceed one year or in the state prison.

In order to prove a violation of this subdivision, the prosecution shall establish that the defendant had the specific intent to remove or take the firearm by demonstrating that any of the following direct, but ineffectual, acts occurred:

- (1) The officer's holster strap was unfastened by the defendant.
- (2) The firearm was partially removed from the officer's holster by the defendant.

- (3) The firearm safety was released by the defendant.
  - (4) An independent witness corroborates that the defendant stated that he or she intended to remove the firearm and the defendant actually touched the firearm.
  - (5) An independent witness corroborates that the defendant actually had his or her hand on the firearm and tried to take the firearm away from the officer who was holding it.
  - (6) The defendant's fingerprint was found on the firearm or holster.
  - (7) Physical evidence authenticated by a scientifically verifiable procedure established that the defendant touched the firearm.
  - (8) In the course of any struggle, the officer's firearm fell and the defendant attempted to pick it up.
- (e) A person \*\*\* shall not be convicted of a violation of subdivision \*\*\*(a) in addition to a conviction of a violation of subdivision (b), (c), or (d) when the resistance, delay, or obstruction, and the removal or taking of the weapon or firearm or attempt thereof, was committed against the same public officer, peace officer, or emergency medical technician. \*\*\* A person may be convicted of multiple violations of this section \*\*\* if more than one public officer, peace officer, or emergency medical technician are victims.
- (f) This section shall not apply if the public officer, peace officer, or emergency medical technician is disarmed while engaged in a criminal act.  
*(Am 1997 Ch. 464)*

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**HS§ 11357. Unauthorized Possession of Marijuana**

- (a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment, or shall be punished by imprisonment in the state prison.
  
- (b) Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100). Notwithstanding other provisions of law, if such person has been previously convicted three or more times of an offense described in this subdivision during the two-year period immediately preceding the date of commission of the violation to be charged, the previous convictions shall also be charged in the accusatory pleading and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, the provisions of Sections 1000.1 and 1000.2 of the Penal Code shall be applicable to him, and the court shall divert and refer him for education, treatment, or rehabilitation, without a court hearing or determination or the concurrence of the district attorney, to an appropriate community program which will accept him. If the person is so diverted and referred he shall not be subject to the fine specified in this subdivision. If no community program will accept him, the person shall be subject to the fine specified in this subdivision. In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, such person shall be released by the arresting officer upon presentation of satisfactory evidence of identity and giving his written promise to appear in court, as provided in Section 853.6 of the Penal Code, and shall not be subjected to booking.
  
- (c) Except as authorized by law, every person who possesses more than 28.5 grams of marijuana, other than concentrated cannabis, shall be punished by imprisonment in the county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.
  
- (d) Except as authorized by law, every person 18 years of age or over who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment in the county jail for a period of not more than 10 days, or both.
  
- (e) Except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, other than concentrated

cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be subject to the following dispositions:

- (1) A fine of not more than two hundred fifty dollars (\$250), upon a finding that a first offense has been committed.
- (2) A fine of not more than five hundred dollars (\$500), or commitment to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.





After you have completed this form, return it to the Office of Citizen Complaints by folding it along the lines below so that the address shows on the outside. Drop in any mailbox. NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES.

在您填妥本投訴書後，請沿摺線摺妥（地址在外），投入郵箱，寄回「公民投訴組」。在美國境內寄出，不需郵費。

Despues de completar la forma, doblela sobre las lineas marcadas y depositeila en el buzón. No necesita estampilla (sello postal).

Matapos buuin ang pormang ito, tiklupin sa mga linyang nakatatat sa baba upang makita sa labas ang aming "address". Ibulog sa anumang buson o "mailbox". Hindi kailangan ng selyo kung ipadadala lang sa loob ng America.

OFFICES LOCATED AT:  
480 Second Street, Suite 100  
San Francisco, CA 94107

NO POSTAGE  
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IN THE  
UNITED STATES

**BUSINESS REPLY MAIL**  
FIRST CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO, CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco  
**OFFICE OF CITIZEN COMPLAINTS**  
875 Stevenson Street, Room 125  
San Francisco, CA 94103-0917



This is a complaint of:

- [Redacted]
- Unnecessary Force for force used during the arrest - against #2192, #2240, [Redacted] and ID Pending
- [Redacted]
- [Redacted]



# Police Commission for the City and County of San Francisco OFFICE OF CITIZEN COMPLAINTS



~CITIZEN COMPLAINT FORM~

## INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:

Please answer questions in blocks 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Leave all other blocks blank unless you know the information requested. Please print all information in English. If you do not have a telephone number, enter a message number or the number of a neighbor, friend or relative in block 4. If witnesses are available, write their names, addresses and telephone numbers on a separate sheet of paper and attach it to your complaint. Do not write them on the complaint form. If you do not know the officers name or badge number, include a complete physical description in the narrative (22). Print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint against each officer. Include who, what, where, when and why. If you need additional space, use separate sheets of paper and attach them to the complaint. YOUR STATEMENT MUST BE A TRUE AND ACCURATE ACCOUNT OF THE INCIDENT to the best of your knowledge and belief, and must be signed by you in block 25. If you have questions or need help, please call the OCC at (415) 597-7711 between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. You may also contact your local neighborhood center for help. Interpreters can be provided at no charge.

### 填寫公民投訴書說明：

請回答第 2、3、4、5、8、11、15、17、20、21 及 22 項問題。除非您知道我們所要求的資料，否則請將其他各項留空。所有資料，務請以正確填寫清楚。如果您沒有電話號碼，請在第 4 項填上有可能聯絡您的電話號碼，或鄰居、親戚、朋友的號碼。如果有證人，請用另一張紙寫上他們的姓名、地址及電話，和投訴書夾在一起；切勿寫在投訴書上。如果你不知道涉及事件的警務人員姓名或編號，請將該員的身體特徵，以正確詳盡寫在第 22 項上。請清楚說明事件的過程，及投訴的類別，包括涉及何人、何事、何處、何時及何由。如您認為投訴書不夠您填寫，可以另紙填寫資料，夾在投訴書上。您應根據您所知道及所相信的事實填寫資料，必須真實及正確；填妥請在第 25 項簽名。如有疑問或需要幫助，請在上午八時至下午五時，致電 (415) 597-7711「公民投訴組」，或在下午五時後，在該組的電話錄音機上留言。您亦可以與有免費翻譯員服務的「華埠進民中心」求助，電話 415-391-5099。

**INSTRUCCIONES PARA LLENAR EL FORMULARIO DE QUEJAS DE LOS CIUDADANOS:** Por favor conteste las preguntas de las casillas 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Deje sin contestar las demas preguntas a menos que sepa la información solicitada. El formulario debe ser contestado en ingles. Si usted no tiene telefono escriba en la casilla 4 el número de un servicio de mensajes, o el de un vecino, amigo o pariente. Escriba en una hoja separada los nombres, direcciones y telefonos de los testigos (si los hay), y adjunte ésta información al formulario. En caso de que no conozca el nombre o número de insignia de los oficiales, incluya una descripción física completa (22). Describa los hechos en forma completa, sea especifico. Incluya quien, que, donde, cuando y porque. Su declaración debe ser un recuento exacto y verdadero del incidente y debe estar firmada por usted (25). Para pedir información o solicitar ayuda visite nuestras oficinas locales o llámenos al numero (415) 597-7711 de 8:00 AM - 5:00 PM. El servicio de interpretacion es gratis. Formularios tambien pueden ser obtenidos en La Raza Information Center-- (415) 863-0764.

**PARAAN NG PAGSAGOT SA PORMANG ITO (CITIZEN COMPLAINT o REKLAMO NG MAMAMAYAN)** Mangyaring sagutin ang mga tanong sa bloke ng 2, 3, 4, 5, 8, 11, 15, 17, 20, 21, at 22. Kung wala kayo ng impormasyon hinihingi dito, paki-iwanan blanko ang bloke ng hindi masagot. **Paki-imbag ang lahat na sagot ninyo.** Kung wala kayong telepono, paki-sulat lang ang inyong "message number", o ang numero ng inyong kapit-bahay, kaibigan, o kamaganak. Kung mayroon kayong mga saksi o testigo, isulat sa ibang papel ang kanilang mga pangalan, mga tirahan, at mga telepono at ikabit ito sa reklamo ninyo. Huwag gagamitin ang pormang ito. Kung hindi ninyo alam ang pangalan ng pulis o ang numero ng kanyang tsapa, isama sa inyong salaysay ang hitsura at pagmumukha ng pulis. Iimbag ang inyong salaysay. Liwanagin lahat ang nangyari magmula sa umpisa hanggang sa katapusan. Tiyakin o siguraduhin ang inyong sinusumbong o renireklamo. Sabihin o ilarawan kung sino, ano, saan, kailan at bakit sa pangyayari. Kung kulang ang pagsusulat dito gumamit ng ibang papel at ikabit ito sa sumbong ninyo. Sa inyong kaalaman at paniniwala, ang inilahad ninyong nangyari ay dapat lubos na katotohanan at walang kamali-mali at kailangan ninyong pirmahan ang sumbong ito sa bloke ng bilang 25. Ilang sa amin kung alinman dito ang hindi maliwanag sa inyo. Kung kailangan ninyo ng tulong, paki-tawagan kami, OCC, telepono (415) 597-7711. Maaring tawagan din ninyo ang Philippines American Consul sa telepono (415) 626-0773 sa pagitan ng alas-otso ng umaga at alas-singko ng hapon o mag-iwan ng pahatid o "message" sa aming "answering service" paglampas dng alas-singko ng hapon.

WHILE BEING CHOCKED, GRABED, PULLED, YANKED, AN EVERYONE OF THEM OFFICER'S USED CHOCK HOLDS, SUBMISSION LOCKS THAT WERE SO PAINFUL IT DREW MORE ATTENTION FROM PEOPLE WHO KNOW ME. AS ① POLICE MAN HELD MY LEFT ARM, ② POLICE HAD MY LEG'S ② POLICE WERE ON MY BACK W/ ONE KNEE ON MY NECK. ① HELD MY RIGHT ARM AND NOTE THAT THEY ALL HAD ME DOWN WITH NO PROBLEM (I LET THEM TAKE ME DOWN) BUT THAT ONE COP STOOD OVER ME LOOK ME IN MY EYE'S, TAUNTED ME WITH GRIN THEN STARTED GRABING ON MY RIGHT WRIST AN FINGER'S SHOUTING "STOP RESITING, STOP RESSITIN" ME AN THE CROWD SCREAMED HE'S NOT RESITING I'M NOT RESITING (I'M NOT RESISTING STOP YOU'RE HURTING ME) AS THAT ONE OFFICER SQUEEZED AN SNAPPED TWO OF MY FINGERS. I FELT THEM BRAKE, THE CROWD HEAD IT TO BUT HE DID'NT STOP UNTIL SOMEONE IN THE CROWD SAID OUT LOUD "GET THEM VIDED CAMERA"!

I USALLY ATTEND CHURCH ON SUNDAY'S, I'M A [REDACTED] AT THE [REDACTED]

[REDACTED] I COACH FOOTBALL FOR THE [REDACTED] AN I WORK PARTIME ON CALL FOR THE [REDACTED] I'M A GOOD WELL MANNERED YOUNG MAN. FIVE DAYS AFTER MY TWO SURGERY'S I DID NOT DESERVE THIS. MY SURGERY'S WOUNDS WERE RE-OPENED MY ELBOW FROM POLICE BRUETALITY BACK IN 1987 IS RE-AGGRAVATED. THIS IS TWICE THE PAIN "I'M [REDACTED] THIS WHILE AT THE SURGERY LIVING AT S.F. GENERAL

I NEVER WAS COMPENSATED FROM 1987

SO PLEASE ADD THE TWO CASES TOGETHER

I CANT WORK TO PROVIDE ANYTHING FOR MY  
TWO CHILDREN MORE MY 83 yr OLD GRANDMOTHER!

THE DOCTOR'S STATED I'M UNABLE TO PERFORM  
DUE TO THE SURVERENESS OF MY WOUNDS  
FROM THE OSSESSIVE FORCE USE BY S.F.P.D  
I'M UNDERGOING SURGERY AGIN!

P.S. I'M IN PAIN AS I WRITE  
THIS "I DIDNT DESERVE THIS" PLEASE PUT  
THIS IN THE RIGHT HANDS I NEED HELP BAD!

CONTACT ME A.S.A.P

THANKS

PJR

J. KAY  
1100078

# OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap  
Director

September 29, 1999

[REDACTED]

RE: OCC CASE NO. 0881-98

Dear [REDACTED]:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's preliminary findings as to each allegation:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The allegation of **Unnecessary Force** against a police officer for using unnecessary force during the arrest is **Not Sustained**.

The allegation of **Unnecessary Force** against a police officer for using unnecessary force during the arrest is **Not Sustained**.

The allegation of **Unnecessary Force** against police officers for using unnecessary force during the arrest is **Not Sustained**.

The allegation of **Unnecessary Force** against a police officer for using unnecessary force during the arrest is **No Finding**.

[REDACTED]  
OCC Case #0881-98

[REDACTED]

[REDACTED]

Please refer to the attached information for definitions of these findings. If you are not satisfied with the preliminary disposition indicated above, you have the right to request an investigative hearing on this complaint. (Please see information sheet, enclosed). The OCC strongly recommends that, to assist you in determining the grounds for a hearing, you call promptly to make an appointment with the investigator in your case, **Jason Wechter** at **597-7711**, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter, to the following address:

Office of Citizen Complaints  
ATTN: Investigative Hearing Coordinator  
480-2nd Street, Suite 100  
San Francisco, CA 94107

Sincerely,  
[REDACTED]  
APPROVED BY DIRECTOR

Mary C. Dunlap, Director



MD:pcg

Attachment Enclosed

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/22/98 DATE OF COMPLETION: 09/15/99 PAGE# 1 of 5


SUMMARY OF ALLEGATION #1 :   


CATEGORY OF CONDUCT:  FINDING:  DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT:   


SUMMARY OF ALLEGATION #2 :   


CATEGORY OF CONDUCT:  FINDING:  DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT:   


OCC HEARING REQUEST? YES [  ] NO [  ] RESULT: \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/22/98 DATE OF COMPLETION: 09/15/99 PAGE# 2 of 5

SUMMARY OF ALLEGATION #3-4 : [REDACTED]  
[REDACTED]

CATEGORY OF CONDUCT: [REDACTED] FINDING: [REDACTED] DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT: [REDACTED]  
[REDACTED]

SUMMARY OF ALLEGATION #5 : [REDACTED]  
[REDACTED]

CATEGORY OF CONDUCT: [REDACTED] FINDING: [REDACTED] DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT: [REDACTED]

OCC HEARING REQUEST? YES [ ] NO [ ] RESULT: \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/22/98 DATE OF COMPLETION: 09/15/99 PAGE# 3 of 5

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

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

FINDINGS OF FACT: The named officer stated that the complainant resisted, and that a pain compliance technique was used to place complainant in handcuffs. Complainant admitted offering some resistance. Backup officers confirm that the complainant resisted. Other possible witnesses did not respond to interview requests. There is no preponderance of the evidence to support or reject the allegation.

SUMMARY OF ALLEGATION #7 : The officer used unnecessary force during the arrest

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

FINDINGS OF FACT: The officer denied the allegation. The complainant admitted offering some resistance. Backup officers stated that the complainant resisted. Other possible witnesses did not respond to interview requests. There is no preponderance of the evidence to support or reject the allegation.

OCC HEARING REQUEST? YES [  ] NO [  ] RESULT: \_\_\_\_\_

NOTES: \_\_\_\_\_

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/22/98 DATE OF COMPLETION: 09/15/99 PAGE# 4 of 5

SUMMARY OF ALLEGATION #8-9 : The officers used unnecessary force during the arrest

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

FINDINGS OF FACT: The officer denied the allegation. The complainant admitted offering some resistance. Backup officers stated that the complainant resisted. Other possible witnesses did not respond to interview requests. There is no preponderance of the evidence to support or reject the allegation.

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

CATEGORY OF CONDUCT: UF FINDING: NF DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT: The officer is no longer a member of the SFPD.

OCC HEARING REQUEST? YES [  ] NO [  ] RESULT: \_\_\_\_\_

NOTES: \_\_\_\_\_

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/22/98 DATE OF COMPLETION: 09/15/99 PAGE# 5 of 5

SUMMARY OF ALLEGATION #11 : [REDACTED]

CATEGORY OF CONDUCT: [REDACTED] FINDING: [REDACTED] DEPT. ACTION:           

FINDINGS OF FACT: [REDACTED]

SUMMARY OF ALLEGATION #12 : [REDACTED]

CATEGORY OF CONDUCT: [REDACTED] FINDING: [REDACTED] DEPT. ACTION:           

FINDINGS OF FACT: [REDACTED]

OCC HEARING REQUEST? YES [  ] NO [  ] RESULT:           

NOTES:

# OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap  
Director

September 29, 1999

Officer William Conley #2192  
Northern Station

**RE: OCC CASE NO. 0881-98**

Dear Officer Conley:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** findings as to each allegation:



The allegation of **Unnecessary Force** for using unnecessary force during the arrest is **Not Sustained**.



Please refer to the attached information for definitions of these findings. If you are not satisfied with the preliminary disposition indicated above, you have the right to request an investigative hearing on this complaint. (Please see information sheet, enclosed). The OCC strongly recommends that, to assist you in determining the grounds for a hearing, you call promptly to make an appointment with the investigator in your case, **Jason Wechter** at **597-7711**, to discuss the preliminary findings and to review the evidence upon which the findings are based.

Officer William Conley #2192  
OCC CASE NO. 0881-98

Page 2

Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter, to the following address:

**Office of Citizen Complaints  
ATTN: Investigative Hearing Coordinator  
480-2nd Street, Suite 100  
San Francisco, CA 94107**

Sincerely,

RECEIVED BY DIRE TULL

Mary C. Dunlap, Director

MD:pcg

cc:Commanding Officer

Attachment Enclosed

THE POLICE COMMISSION  
**OFFICE OF CITIZEN COMPLAINTS**

CITY AND COUNTY OF SAN FRANCISCO



**Mary C. Dunlap**  
Director

September 29, 1999

Officer John Burke #2240  
Bayview Station

**RE: OCC CASE NO. 0881-98**

Dear Officer Burke:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** findings as to each allegation:

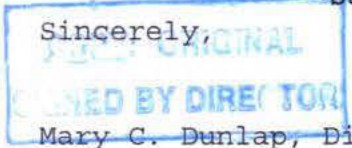


The allegation of **Unnecessary Force** for using unnecessary force during the arrest is **Not Sustained**.

Please refer to the attached information for definitions of these findings. If you are not satisfied with the preliminary disposition indicated above, you have the right to request an investigative hearing on this complaint. (Please see information sheet, enclosed). The OCC strongly recommends that, to assist you in determining the grounds for a hearing, you call promptly to make an appointment with the investigator in your case, **Jason Wechter** at **597-7711**, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter, to the following address:

Office of Citizen Complaints  
ATTN: Investigative Hearing Coordinator  
480-2nd Street, Suite 100  
San Francisco, CA 94107

Sincerely,



Mary C. Dunlap, Director  
MD:pcg  
cc:Commanding Officer  
Attachment Enclosed

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/22/98 DATE of COMPLETION: 9/15/99 PAGE# 1 of 8

Officer: WILLIAM CONLEY # 2192

SUMMARY OF ALLEGATION # 1 : [REDACTED]

CATEGORY OF CONDUCT: [REDACTED] FINDING: [REDACTED] DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT:

[REDACTED]

Officer: JOHN BURKE # 2240

SUMMARY OF ALLEGATION # 2 : [REDACTED]

CATEGORY OF CONDUCT: [REDACTED] FINDING: [REDACTED] DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT:

[REDACTED]

OCC HEARING REQUEST? YES [ ] NO [ ] RESULT: \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*MCD*

*repeat  
use  
and  
on  
#s 3 + 4*

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/22/98 DATE of COMPLETION: 9/15/99 PAGE# 7 of 9

Officer: OFF. [REDACTED] & unknown officer:

SUMMARY OF ALLEGATION # 3 & 4 :

[REDACTED]

CATEGORY OF CONDUCT: [REDACTED] FINDING: [REDACTED] DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT:

[REDACTED]

Officer: [REDACTED]

SUMMARY OF ALLEGATION # 5 :

[REDACTED]

CATEGORY OF CONDUCT: [REDACTED] FINDING: [REDACTED] DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT:

[REDACTED]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCC HEARING REQUEST? YES[ ] NO[ ] RESULT: \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*MCD*



OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/22/98 DATE of COMPLETION: 9/15/99 PAGE# 3 of 5

Officer: WILLIAM CONLEY # 2192

SUMMARY OF ALLEGATION # 6 :

The officer used unnecessary force during the arrest.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

FINDINGS OF FACT:

The named officer stated that the complainant resisted, and that a pain compliance technique was used to place complainant in handcuffs. Complainant admitted offering some resistance. Backup officers confirm that the complainant resisted. Other possible witnesses did not respond to interview requests. ~~By SA~~ *There is no preponderance of the evidence to support or reject the allegation.*

Officer: JOHN BURKE # 2240

SUMMARY OF ALLEGATION # 7 :

The officer used unnecessary force during the arrest

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

FINDINGS OF FACT:

The officer denied the allegation. The complainant admitted offering some resistance. Backup officers stated that the complainant resisted. Other possible witnesses did not respond to interview requests.

OCC HEARING REQUEST? YES [ ] NO [ ] RESULT: \_\_\_\_\_ *\* repeat here on #8*

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/22/98 DATE of COMPLETION: 9/15/99 PAGE# 4 of 5

Officer: [REDACTED] and unknown officer

SUMMARY OF ALLEGATION # 8 & 9 :

The officers used unnecessary force during the arrest

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

FINDINGS OF FACT:

The officer denied the allegation. The complainant admitted offering some resistance. Backup officers stated that the complainant resisted. Other possible witnesses did not respond to interview requests.

*repeat fr #6 here  
sentence*

Officer: [REDACTED]

SUMMARY OF ALLEGATION # 10:

The officer used unnecessary force during the arrest

CATEGORY OF CONDUCT: UF FINDING: NF DEPT. ACTION: \_\_\_\_\_

FINDINGS OF FACT:

The officer is no longer a member of the SFPD.

OCC HEARING REQUEST? YES[  ] NO[  ] RESULT: \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## COMPLAINT WORK SUMMARY

OCC CASE #: 881-98  
COMP NAME: [REDACTED]  
INV. NAME: I. Rapoza  
PAGE # 1

---

### DATE & ACTIVITY

- 10/23/98 I received this case. *Rapoza*
- 10/26/98
- Comp.'s records retrieved from CABLE.
  - IR requested from records.
  - CAD pulled.
  - PS pulled. *Rapoza*
- 11/2/98
- I received the Incident Report.
  - I interviewed the complainant. He told me:
    - He was not drinking wine in the location. He was working at the [REDACTED] and was gathering up bottles and garbage in the parking lot when the PO came by and told the rest of the group to get along. Also, he denied having any marijuana in his pocket.
    - The officer talked to him and was rude and irate about him not leaving when he said to leave. Comp. said he asked the officer "are you having a bad night?" [Comp. did not tell me he told the officer he worked there and was trying to do his job, or anything to that effect.] He said the officer was talking "like he was from the ghetto" and used the term "motherfuckers" when speaking with him.
    - The officer got out of the car, and talked into his radio on his shoulder. In less than a minute, 5 police cars drove up, and 6 to 8 police officers surrounded comp.
    - Comp. put his hands behind his back. He was not resisting. An unidentified officer took one of his arms, and comp. had a flashback to an incident when he was a kid when a police officer hurt his shoulder. This flashback caused comp. to flex his muscle, and the officer lost his grip on his arm.
    - Then the 6 to 8 police officers put comp. down on the ground. He denies resisting on the ground. comp. described an officer on his back, and one pressing down his neck, both unidentified. [He did not describe any choke hold, or other pain compliance techniques, although I took him through the situation several times in the interview, asking him to describe what happened and what the officers did.] The officers were getting him handcuffed when the original officer approached, looked at comp. in the eye and smiled in a taunting way, grabbed his index finger and snapped it while saying, "Stop resisting."
    - The officer then stopped, picked comp. up and put him in the car.
    - The comp. complained of a scraped and swollen knee from when the officers took him to the ground, a swollen elbow and a shoulder "out of place" from unknown causes, and a right index finger deliberately broken by the first officer on the scene. He also stated that he had told the doctors at SF General about all these injuries when he went there after he was released from the station. He stated that a paramedic came to the station, and said the paramedic either told him he could go in the ambulance but it would cost him, or refused to take him in the ambulance [he stated both things].

COMPLAINT WORK SUMMARY

OCC CASE #: 881-98  
COMP NAME [REDACTED]  
INV. NAME: I. Rapoza  
PAGE # 2

=====

DATE & ACTIVITY

11/2/98  
Continued

- Comp also told me there were witnesses to this event. He told me he would get back to me with more information about their addresses and phone numbers.
- Comp. said he had had surgery around his rectum right before this incident, and that these wounds were opened by the officers activity. He said he told this to the SF General staff at the ER, also.
- I sent comp. a medical release for SF General and one for the paramedics.
- Department General Orders that apply here -
  - 2.01 #14 for rudeness and profanity
  - 5.01 I. F for circumstances justifying the use of force. DGO 5.01 I.M describes unnecessary force, and states "When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."
  - 5.03 refers to detentions, but it states that reasonable suspicion of a crime being committed is needed for police action. Here, the comp. states he was doing his job and not engaged in any criminal behavior.
- I pulled the section of the Health and Safety code used to cite comp. I pulled Penal Code Section 148, also used to cite comp. I pulled 21 MPC, used to cite comp.
- Allegations drafted and added to file.
- Investigation Plan:
  - Get more information from comp. regarding witnesses in the parking lot, and interview the witnesses.
  - Get medical records from SF General and paramedics after comp. signs the medical release.
  - Get photos of comp. noted as E-1 in the Incident Report.
  - Get tape from communications to help identify who was on scene from the department.
  - Interview the officers involved and any witness officers found. *Rapoza*

• Case to case review. *Rapoza*

Continued

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT WORK SUMMARY

OCC CASE #: 881-52  
INV. NAME: RAPORA  
PAGE: 23

=====

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

11/5/98: Case reviewed. Allegations approved. *Inv. plan approved.*

Please obtain Use of Force log from Co. C.

Several points are unclear in the CWS re: the interview with the complainant: 1) Comp. said he flexed his muscle, and the officer lost his grip on comp's arm. Can he describe what he did with his arm more specifically? 2) Comp. said the officer snapped his finger while comp. was being handcuffed. Can he be more specific? At what stage in the handcuffing did this occur? Where were his hands?

If comp. doesn't get back to you soon with witness information, I'd suggest visiting the [REDACTED] to confirm that comp. was working there on the day of the incident, and to interview, or obtain ID information for [REDACTED] and [REDACTED] so they can be interviewed.

Please copy 293 & forward to clerical.

B priority, due 2/22/99.

*Rapora*

11/6/98 • I received case back - made copies for data entry. *Rapora*  
~~11/6/98~~

11/9/98 I re-interviewed Comp. regarding questions 1) & 2) in Sr. Inv. Weichters 11/5/98 note. Comp. told me, on tape:

- 1) "Flexing" his muscle meant freezing his arm. He made his arm not move. ~~the officer lost his grip on his arm.~~
- 2) The officers had his hands out at his side when he was down on the ground. ~~Comp's arms were perpendicular to his body.~~ Comp's arms were perpendicular to his body. The officer walked up, & grabbed his hand and snapped his index finger when ~~the~~ comp's arms were being held perpendicular to comp's body. (Comp. described his position as "like Christ.") *Rapora*

12/7/98 • Comp. dropped the Medical releases off. *Rapora*  
• I sent releases to SFG General and American Medical Response for records. *Rapora*

COMPLAINT WORK SUMMARY

OCC CASE #: 881-98  
COMP NAME [REDACTED]  
INV. NAME: I. Rapoza  
PAGE # 4

=====

**DATE & ACTIVITY**

- 12/22/99 Medical Records received from SF General Hospital. Record shows a superficial abrasion of the left knee and a fracture of the right index finger on 10/9/98. *Rapoza*
- 1/5/99 [REDACTED] called today. He told me:
- the "main officer" was at the store today, asking [REDACTED] the owner of the store, of [REDACTED] was on the payroll of the store. This was of concern to [REDACTED], and in turn of concern to [REDACTED] as [REDACTED] is not on the regular payroll of the store. He is paid under the table from the store, and goes there to help [REDACTED] who is uncle. [REDACTED] said he thought the officer was "doing his little tactics" by asking this question. He did not elaborate on this statement. *Rapoza*
- 1/14/99 Medical release returned from American Medical Response Ambulance Company. Company states they do not have any record of transporting the complainant. *Rapoza*
- 2/8/99 I received a telephone call from [REDACTED] mother. I returned the call, and she told me she did not remember what her son had told her to say, so she needed to call me back. *Rapoza*
- 2/10/99
- I received a telephone call from [REDACTED] with his mother also on the line. (They did not tell me this was a three way conversation until [REDACTED] had delivered his statement.) I taped a statement from [REDACTED] He told me today:
    - He had forgotten to tell me about "the most serious injuries" he received, an injury to his shoulder and a reinjury to his right elbow that an [REDACTED] (male, not currently on the force) had broken "in five places" in 1985 or 1986.
    - He had made a complaint to us about [REDACTED] and had received a referral from Mayor Diane Feinstein to one of her lawyers. This lawyer did not handle the case correctly. He did not remember the outcome of the OCC case.
    - He did not know who injured his shoulder or elbow. He said he received the injuries when he was being handcuffed while lying prone on the ground and his right arm was twisted around his back to be cuffed. He said he thought the shoulder had "popped out of the socket" when the officers handcuffed him.
    - He told the people at SF General Hospital about his problems with his shoulder and elbow, but they overlooked it because they were in a rush to get him out, as he did not have medical insurance.
    - He forgot to tell me about it until today because he was "kind of hyper" and forgot. He and his mother wanted to know what could be done about this. I explained that this was not a personal injury lawsuit setting. They then asked

*Rapoza*  
Continued

COMPLAINT WORK SUMMARY

OCC CASE #: 881-98  
COMP NAME [REDACTED]  
INV. NAME: I. Rapoza  
PAGE # 5

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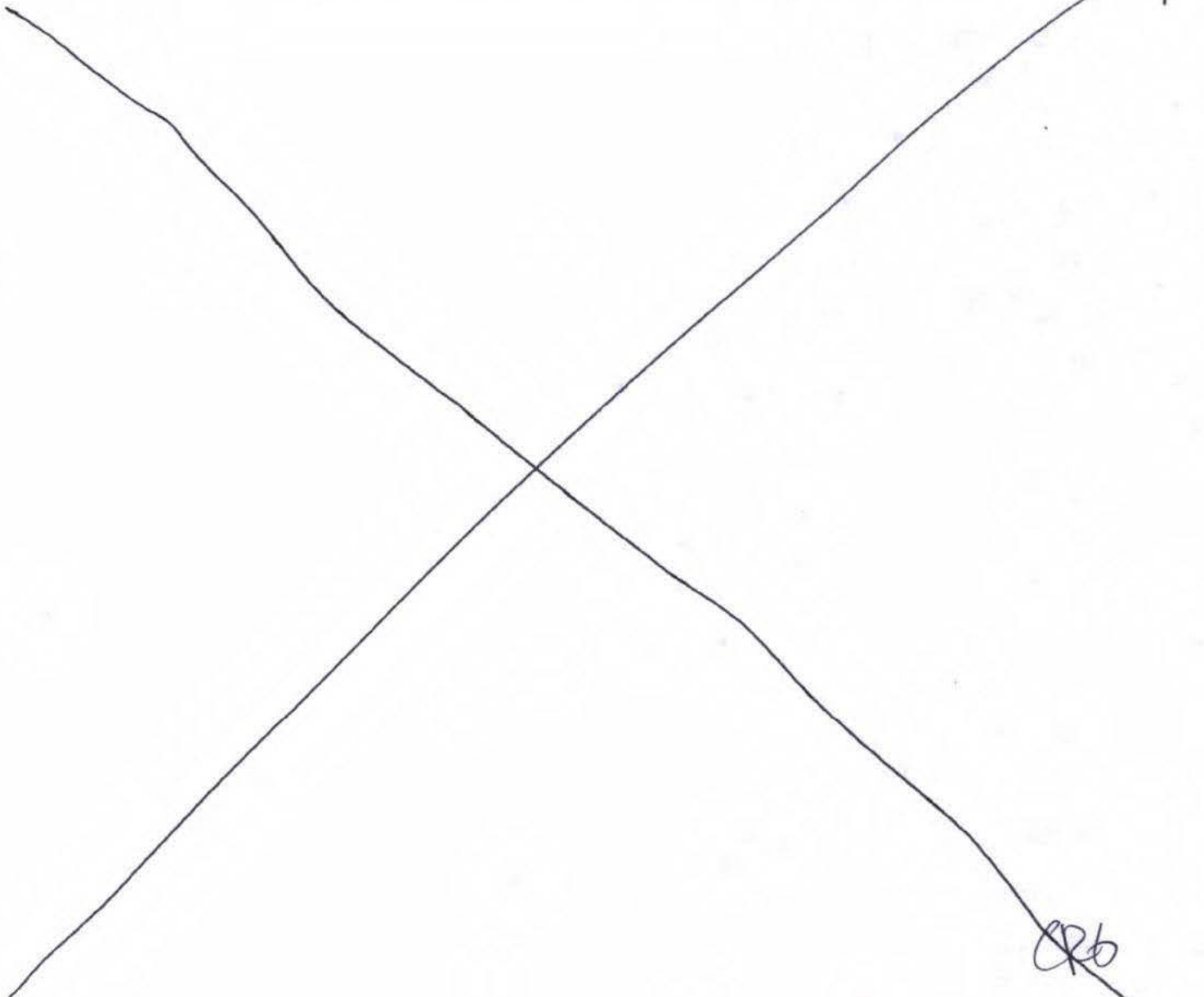
**DATE & ACTIVITY**

2/10/99 continued

me if I could recommend a lawyer who would take this case as a lawsuit. I referred them to the San Francisco Bar Association panel.

- I sent a letter to [REDACTED] enclosing two medical release forms, one for his elbow injury in 1985 or 1986, and one for current treatment he is receiving on his shoulder and elbow.
- I checked the OCC complainant logs for a complaint from [REDACTED] I did not find one. I requested that Principal Clerk L. Taylor request the officer complaint history [Multiple] cards from file safe for research into an [REDACTED] complaint record.

*I. Rapoza*



*CRB*



OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT WORK SUMMARY

OCC CASE #: 881-98  
NAME: [REDACTED]  
INV: J. Wechter  
PAGE: 6

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

8/2/99:

Case transferred to me from I. Rapoza by Chief Inv. Donna Medley.

8/6/99:

Reviewed file. Created witness list. 5 civilian wits are identified (2 only by first name and phone #) by complainant. In addition to the four named officers, the following officers responded as backup (per CAD): [REDACTED]

8/9/99:

Drafted MRF questions and sent them to the three officers above, and three of the four named officers (Per Wendy at SFPD Personnel, named [REDACTED]). All six officers are MRFed as named officers because complainant wrote that the backup officers attacked him (293 lists ID pending). **MRFs due 8/31/99.**

8/9/99:

Requested use of force log.

8/10/99:

Visited [REDACTED] and spoke to witness/manager [REDACTED] (identified as a witness by complainant). [REDACTED] said he was inside the market behind the counter, and didn't see what happened in the parking lot. He did not recall an incident on early January when a police officer came to the market to inquire about complainant. [REDACTED] said [REDACTED] (another wit ID'd by complainant) helps out there occasionally; he doesn't have [REDACTED] full name or address, but agreed to pass along my card and a message asking [REDACTED] to call.

Note: As I drove up, I observed a number of young men loitering in front of the market; one engaged in what looked like a hand to hand drug sale.

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT WORK SUMMARY

OCC CASE #: 881-98  
NAME: [REDACTED]  
INV: J. Wechter  
PAGE: 2

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

8/11/99:

Rcvd. Co C Use of Force Log for 10/1/98 -- 10/15/98. It lists Off. Conley using physical control [REDACTED]; suspect injured & complained of injury; Off not injured. No comments. reviewed by [REDACTED]

8/12/99: Rcvd. proof of service for Off. Conley's MRF.

8/10/99:

Rcvd. MRF response from [REDACTED]: Complainant was in custody, being placed in a police car when he arrived; he saw no other contact bet. complainant & offs. He had no contact w/ complainant, did not say anything to complainant.

8/17/99:

Phone interview (taped) with [REDACTED] [REDACTED] was talking w/ complainant in parking lot when Off. Conley arrived. Doesn't recall if C had wine in hand (no corrob for [REDACTED] for arrest for drinking in public). Wit has no recollection of anything said by complainant or Off. Conley (no corrob for [REDACTED]). Conley told complainant to put his hands up, grabbed complainant by hands/wrists, took complainant to ground, called for backup. Wit doesn't think complainant resisted, but not paying attn to comp's hands. Wit left as soon as other officers arrived (didn't see UF, [REDACTED] actions by other officers).

Called [REDACTED] -- woman who answered said he wasn't there, took message. Called [REDACTED] & [REDACTED], [REDACTED] -- left message on machine.

8/19/99:

Called [REDACTED] -- the woman who answered said she is [REDACTED] sister: he doesn't live there; she doesn't have a phone # or address for him. She gave him my earlier message on 8/17.

Called [REDACTED] & [REDACTED], [REDACTED] -- left message on machine.

Called American Medical Response (922-9400) -- left message for Paramedic [REDACTED].

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT WORK SUMMARY

OCC CASE #: 881-98

NAME: [REDACTED]

INV: J. Wechter

PAGE: 8

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

8/20/99:

Officer Steven Redd # 1730 came to OCC [REDACTED]

[REDACTED] Int  
taped. Redd said he didn't recall who his partner was (per PS, it was Off. O'Malley). Redd and partner responded to [REDACTED] on a call for assistance by an officer who had a 148 (person resisting arrest). 3 or fours other police units there when they arrived. [REDACTED] saw complainant handcuffed, lying on his side on the ground. Conley and another officer ([REDACTED] thought [REDACTED] but [REDACTED] not at scene per CAD & IR) standing beside complainant, picking him up from the ground: one grasping each arm. Comp resisting by twisting body side to side in "jerking" manner. Got complainant to his feet: had their hands on comp's arms; he never saw any off jerk comp's hands/fingers. Never saw any off w/ knee in comp's back/neck. Comp's shoes came off as being lifted up: offs trying to put back on his feet. Complainant placed in back of patrol car.

[REDACTED] had no physical contact with complainant. [REDACTED] never heard any officer use profanity; complainant and members of the crowd using profanity. 100 plus people gathered in the parking lot. [REDACTED] and other officers kept the crowd from surrounding the officers. [REDACTED] never spoke to Conley about what happened before [REDACTED] arrived. Redd didn't hear complainant complain of injuries. [REDACTED] never heard anyone in crowd yell "he's not resisting", or tell anyone to get a video camera.

Called Am. Medical Response, left message for [REDACTED]



OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT WORK SUMMARY

OCC CASE #: 881-98

NAME: [REDACTED]  
INV: J. Wechter  
PAGE: 9

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)  
9/15/99:

All MRFs received.

OFF. CONLEY: [REDACTED]  
[REDACTED] UF: Complainant resisted handcuffing (flailed arms); Off performed finger bend on comp's right index finger -- heard snap, complainant yelled, then placed hands behind back & cuffed. [REDACTED]  
[REDACTED]

OFF. BURKE: [REDACTED] UF: Arrived as Conley telling complainant he was under arrest, complainant refusing. Assisted w/ handcuffing (attempted unsuccessful twist lock grip on wrist); he and Conley did bar arm take down, cuffed complainant w/ assistance of Offs [REDACTED]  
[REDACTED]

[REDACTED]

RECOMMENDED FINDINGS:

[REDACTED]

[REDACTED]

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT WORK SUMMARY

OCC CASE #: 881-98  
NAME: \_\_\_\_\_  
INV: J. Wechter  
PAGE: 10

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

[REDACTED]

[REDACTED]

UF: 2192; 2240; [REDACTED] NS The officers all state that the complainant, who is very large, resisted their attempts to handcuff him. The complainant admitted that he flexed his muscles, causing an officer to lose his grip on his arm. Off. Conley said he used a finger bend on complainant. Off. Burke said he and Conley did a bar arm take down. Witness [REDACTED] said he didn't think complainant resisted. [REDACTED], manager of the market, said he didn't see what happened in the parking lot. Other witnesses ID'd by the complainant failed to respond to multiple requests for interviews.

[REDACTED]

[REDACTED]

*PREPARED CSR. To C. Gall...*

[REDACTED]

OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT WORK SUMMARY

OCC CASE #: 881-98  
NAME: [REDACTED]  
INV: J. Wechter  
PAGE: 1/

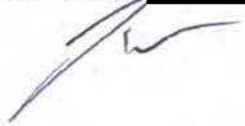
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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10/27/99:

Complainant called re: disposition. He wanted clarification on whether the officer had been "found guilty". I explained the definition of the "NS" findings. He is unhappy with the findings and wants a hearing. I explained that a hearing request must be made in writing. He said he is unable to use his index finger.

His 1986 or 1987 complaint was filed under the name [REDACTED]  
[REDACTED] He was 15 years old at the time.



1  
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**  
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**  
4

5 **CASE NUMBER: 881-98**  
6  
7

8  
9 **INTERVIEW OF: OFFICER REDD**  
10

11 **INTERVIEWED BY: OCC INVESTIGATOR JASON WECTOR**  
12

13 **DATED: AUGUST 20, 1999**  
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1 **Q: OCC INVESTIGATOR JASON WECTOR**

2 **A: OFFICER REDD**

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5 Q: This concerns OCC 881-98. This interview is taking place Friday, August 20<sup>th</sup>, 1999,  
6 2:11 pm at the OCC office. Conducting this interview is investigator Jason Wector. The member  
7 being interviewed is Officer Steven Redd, 1730 [REDACTED]. Officer Redd, have  
8 you read the statement from complainant [REDACTED] concerning incident at [REDACTED] [REDACTED]  
9 on Sunday October 1<sup>st</sup>, 1998 at 1609 hours?

10 A: Yes. I did.

11 Q: Okay. Did you read General Order 2.08?

12 A: Yes.

13 Q: Have you read rule 31 of General Order 2.01?

14 A: Yes.

15 Q: Have you read section IA of General Order 2.04?

16 A: Yes.

17 Q: Do you understand these statements?

18 A: Yes.

19 Q: Are you prepared to be interviewed at this time?

20 A: Yes. I am.

21 Q: [REDACTED]

22 [REDACTED]

23 A: [REDACTED]

24 Q: [REDACTED]

25 A: [REDACTED]



1 Q: [REDACTED]

2 A: [REDACTED]

3 Q: Okay. Just want to see what you remember about this incident, if anything?

4 A: I remember being on patrol in the area of I guess Jerrold and 3<sup>rd</sup> Streets then a call for  
5 help came out at [REDACTED] [REDACTED] from my fellow officers. I can't recall the unit. They were stating over  
6 the radio that they had a, a 148 which is a resister, a person resisting arrest. And my partner and I  
7 were responding to the scene.

8 Q: Do you remember who your partner was?

9 A: According to the CAD it was officer James O'Malley.

10 Q: Okay. And do you know what happened next?

11 A: Upon our arrival, to the scene as far as I can recall, there were several units that  
12 proceeded us in arrival to [REDACTED] [REDACTED] And from what I can recall, I, I saw them restraining or had a  
13 black male adult handcuffed.

14 Q: So, when you arrived there were several units already on the scene?

15 A: Yes. I believe 3 to 4 units, if I can recall correctly.

16 Q: You said when you arrived you saw them restraining him, can you describe that in more  
17 detail?

18 A: Actually, I believe he was handcuffed and believe he was laying on his side on the  
19 ground.

20 Q: Okay. Which officers did you see in proximity to him?

21 A: I believe it was officer, I believe the original officers who called for help were Officer  
22 Connelly and Officer (Burke) I believe, if I'm correct.

23 Q: And what were they doing with this man who was handcuffed?

24 A: Actually, they were, they had him cuffed and they were in the process of trying to pick  
25 him up off the ground.

1 Q: So, did you see how they picked him up?

2 A: They had one, each officer had one arm, if I can recall correctly.

3 Q: And what did they do?

4 A: They were trying to get him off the ground. He was, I guess what you can call is resisting  
5 or he wasn't trying to stand up on his own and the crowd was, was I think close to 100 people  
6 gathered around him. And they were trying, they were yelling and screaming and everything.

7 Q: And what did the officers do with the man who was handcuffed?

8 A: They picked him up, and I believe they eventually got him into a back of a patrol car, if I  
9 recall correctly. I am not sure what patrol car, who did the transport.

10 Q: And you said that as they were trying to lift him up, he was resisting. How was he  
11 resisting?

12 A: I guess he was just like twisting his body left and right or jerking away, jerking away  
13 motion from the officers.

14 Q: Okay. And which part of his body were the officers, did they have their hands on him?

15 A: I believe the, their arms, there left and their right arms.

16 Q: Did you ever see them with their hands on any other part of his body?

17 A: Not that I was present there, no.

18 Q: Okay. Was this man saying anything?

19 A: I believe there was a lot of profanity used, but I can't say verbatim what he was saying if  
20 I recall correctly.

21 Q: Where was the profanity coming from?

22 A: The, [REDACTED] who was handcuffed.

23 Q: Uh-huh. Did you hear anyone else use profanity?

24 A: No officers, but the crowd, there were numerous profanities. He, you know, directed at  
25 the officers.

1 Q: Uh-huh. Did you ever hear any officers use profanity?

2 A: No.

3 Q: Okay. Did you ever seen the officer grab [REDACTED] hands or fingers?

4 A: No. I didn't see that.

5 Q: Okay. And did you see any physical action occur between the time they got him to his

6 feet and when they put him in the car?

7 A: From what I remember, after they got him to his feet, his shoes were off, I don't know

8 how they got off. And they were trying to slip them back on his feet and he was just wailing, you

9 know just twisting away and you know moving his feet around. So, the officers couldn't put his

10 shoes on.

11 Q: Okay. Anything else?

12 A: Nothing else that I can recall.

13 Q: Did you have any physical contact with [REDACTED]? So what was your role on the scene?

14 A: I basically responded as a backup officer. Cuz we went as a 1025 which is a officer needs

15 help, code 3, we all just-

16 Q: So, what did you actually do when you arrived?

17 A: Just basically tried to keep the crowd back cuz they were kind of surrounding the vehicle

18 and the officers.

19 Q: Did you have any conversation with any of the officers in regard (For you) about what

20 had happened?

21 A: At, no, not that I can recall.

22 Q: Okay. Did you ever talk with officer Connelly about how this got started?

23 A: No.

24 Q: And did you ever hear [REDACTED] complain about any pain or injuries?

25 A: I, I didn't hear him say anything.

1 Q: Anything else?

2 A: Noth, nothing that I can recall.

3 Q: Earlier before I started the tape you mentioned some comments yell from the crowd,  
4 some of the crowd directed at you?

5 A: I, since I was I guess the only black officer that responded or was maybe even working  
6 that day, I heard numerous you know people yelling, you're a black officer, you should get in  
7 there and do something. So, but other than that, you know, it went no further than that.

8 Q: Was anyone saying what they thought you should do?

9 A: No. They just said you should get in there and, and stop it. Which there was nothing  
10 going on at the time that we arrived there.

11 Q: Did you ever see any officer with his knee on ██████████ back or neck?

12 A: I didn't see that. No.

13 Q: Do you ever hear ██████████ -- did you ever hear anyone yell, he's not resisting, ██████████  
14 ██████████ say he wasn't resisting?

15 A: As far as, you're talking about from the crowd?

16 Q: Either ██████████ or anyone say, he's not resisting or no resisting?

17 A: I can't honestly say I heard anything from the crowd. They were yelling so much stuff.  
18 You know I didn't hear that per se.

19 Q: Did you ever hear anyone in the crowd yell anything about a video camera?

20 A: No.

21 Q: Okay. Is there any other statement relevant to this incident you wish to make at this time?

22 A: None.

23 Q: Any witnesses or other evidence relevant to this case that you intend to submit on your  
24 behalf?

25 A: None.

1 Q: Okay. This interview is completed. It's 2:21 pm.

2 END OF INTERVIEW

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1  
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**  
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**  
4

5 **CASE NUMBER: 881-98**  
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9 **INTERVIEW OF:** [REDACTED]  
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11 **INTERVIEWED BY:** **OCC INVESTIGATOR IRENE RAPOSA**  
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13 **DATED:** **NOVEMBER 2, 1998**  
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1 **Q: OCC INVESTIGATOR IRENE RAPOSA**

2 **A:** [REDACTED]

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5 **Q:** Okay. I've got the tape recorder turned on.

6 **A:** Uh-huh.

7 **Q:** And I just wanted to say that it's November 2<sup>nd</sup>, 1998 and it's about 1:30 in the afternoon.

8 And this is Irene Raposa with the Office of Citizens Complaints and working on case 881-98.

9 And I'm speaking with and may I have your name, please?

10 **A:** [REDACTED].

11 **Q:** Okay. What was the middle name, I'm sorry?

12 **A:** [REDACTED].

13 **Q:** Can you spell that?

14 **A:** [REDACTED].

15 **Q:** Okay. And you're aware that the tape recorder is running, is that right?

16 **A:** Yes.

17 **Q:** Okay. Okay. I just want to make sure that I have the information that I need from the  
18 complaint form here. I've got your address as [REDACTED]

19 [REDACTED]

20 **A:** Yes.

21 **Q:** Okay. And what's your date of birth, please?

22 **A:** [REDACTED]

23 **Q:** Okay. And what's your ethnic identification?

24 **A:** African American.

25 **Q:** Okay. And I have your home phone as [REDACTED]



1 A: Yes.

2 Q: And I have a pager number, [REDACTED]?

3 A: Yes.

4 Q: Okay. And I called you at your work number.

5 A: Yes.

6 Q: At [REDACTED], right?

7 A: Yes.

8 Q: Okay. All right. And you work at the All night Market?

9 A: Yes.

10 Q: Okay. Okay. And I see here that the event occurred at [REDACTED] [REDACTED], which is the All  
11 night Market, right?

12 A: Yes.

13 Q: Is there a parking lot there? Is that where, where it was, or?

14 A: Yes.

15 Q: Okay. Okay. And I see that this happened on October 4<sup>th</sup> or '98?

16 A: Yes. On a Sunday.

17 Q: Okay. And it was about 4 in the afternoon, is that right?

18 A: Yes.

19 Q: Okay. All right. Why don't you tell me what your complaint's about, what happened?

20 A: Okay. Now on that day, October 4<sup>th</sup>, I had just came from church. I go to church at True  
21 Hope. And I was on call for work here at, that Sunday, so I had reported to work. And as I got  
22 here, you know, I got acquainted with my supervisor that was here that day, my boss, Rocky.  
23 And my coworkers, Sarge, he's a Vietnam vet. Me and Sarge we are responsible for cleaning up  
24 the parking lot and maintaining order. And as I was out there, several of my friends, and one of  
25 them is my brother, he's a recording artist and so am I. He had just gotten in from LA and he was

1 playing his song in my friend car. So, we all gathered around the car. And so, as we was doing  
2 that a police car, vehicle, entered the parking lot and asked us to leave, there's no loitering. So as  
3 we did that, we were in the process of doing that. So I went back to do doing my job, which is  
4 picking up bottles and sweeping up and helping Sarge maintain order of the parking lot. As I was  
5 doing so, the officer addressed me by looking at me and then once he got my attention, he looked  
6 at me with a glare and said, "what, what?" Aggressively. I said, excuse me, you having a bad day  
7 or something? He stepped out of his vehicle, asked me for some identification. I had just lost my  
8 wallet, so I don't have any. So, I told him my name, my full name and I'm on 1035 search  
9 condition, which is probation and they can search me. I told him you can run it through your  
10 computer, okay. And once I said that, he began to come at me as if I was being sarcastic with  
11 him. So, he got irate and then he said well, you can be, let's see how smart you're going to be  
12 down at the station want to show off in front of y our friends. So, as I was doing that, standing  
13 there complying with everything he was asking me, he was standing there talking and then he, he  
14 reported to his walkie talkie on his shoulder. Then like within 40 seconds, like five different cars  
15 pulled up. And they jumped out with gloves on and they surrounded me. So, he start asking me  
16 to put my hands around my head. And I'm like, why do I have to do this for? You know, I'm  
17 here at work. And so then, he said, put your hands around your head. So, I did so, so, I put them  
18 behind my back also, and once I did, there was about seven police surrounded me and he gave  
19 the okay to one of them, to go ahead and start putting his arms around me so he could put the  
20 handcuffs on me. So, as the guy approached me, he approached me with so much of a force, I  
21 just automatically remember when I was a child, when they did me, when I was a child they had  
22 broke my arm. And he had twisted it so much to whereas it start aggravated, got instantly so. At  
23 that point, they took me down. Now, once I was down on the ground, it's like one had my left  
24 arm and wrist, the other one had like my left knee and my left ankle with his knee on it. And you  
25 know, same for my right and my, my right leg and my right arm. Now, there was one on my back

1 with two knees on my back and then there was one with one knee on my neck and head. Now  
2 I'm paralyzed down on the ground. I'm not doing nothing and there's a crowd by that time.  
3 They're all around there witnessing. And as, as I was down on the ground, the same, the very  
4 first police officer who had the attitude that day, he reached down, looked at me, looked me in  
5 the eye and gave me a grimace. It's like now it's his turn to do his duty. I mean, not his duty, his,  
6 his thing. And he looked and said, "stop resisting, stop resisting." And everybody in the crowd  
7 said he's not resisting, he's not resisting. By that time he had grabbed my wrist and my two  
8 fingers, and he broke them. And he broke them so hard that the crowd even heard it. And they  
9 would continue to pinch me, use choke holds and tactics on me cuz I couldn't do nothing. I  
10 couldn't even talk. And as they was doing that, somebody in the crowd said, "get the video  
11 camera, get the video camera, he trying to kill him." That's the only reason why they stopped.  
12 Other than that they was going to try to I think, choke me out or do something. And then at that  
13 point, they took me down to the station. And by the time I got down to the station, he tried to talk  
14 to me then. He tried to use sense. He tried to come at me correctly like he should of did in the  
15 first place. But at that time, I was already aware that he was in the room and that, I already knew  
16 that I didn't do nothing wrong, so I was talking to a sergeant down there that was on duty that  
17 day. And me and him was conversing. But all that time me and the other guy, me and him never  
18 did get no understanding until this day. It was like a week later after that, about a couple of  
19 blocks down the street, he arrest, he didn't arrest my friend but he, he approached my friend, put  
20 handcuffs on him under suspicion and as he was doing so, my friend aid that he said stop  
21 resisting, don't put no resist. Just like last week I had to use, I had to break a, I had to break a  
22 guys finger for acting you know, for acting all smart and stuff, he tried to take credit for that. It's  
23 like he's just boasting about it. And just this weekend. Just this weekend, he's been patrolling  
24 around this area and over his loudspeaker he rolls by and he seen me with my hand all paralyzed  
25 with a cast and I'm limping, and he'd laugh over his loudspeaker. Like jokingly at me, laughing,

1 he come by and laugh at me and laugh and laugh. Patrol by and laugh. And may I do say though,  
2 that, on that day that the incident happened, I was a week out of surgery. I just had surgery done  
3 to me on my body and, and from that day on, it's been very difficult cuz my wounds have been  
4 reopened. I had just been out of surgery. I was supposed to take it easy. You know, I'm supposed  
5 to do no sports. I also coach football, you know, I can't, I can't do nothing. So, that day he  
6 reinjured my wound, so I been going back and forth to the doctor. And they've been having me  
7 on the pain killers. Pain killers, pain killers.

8 Q: Uh-huh.

9 A: So, I've been so much pain, so much pain.

10 Q: What kind of wounds do you have that he reopened?

11 A: I had surgically remove some cancer that was some colon cancer near my rectum. I had  
12 two surgeries and it's like, it's been very difficult for me to walk now. As I was beginning to  
13 walk I was just so happen to come by that day and just help out the store. And here this guy  
14 come he just, they took me down like I was, you know, a robber, I robbed a bank or something.  
15 And just approach me like you know, I was a rob, I was violent or something and it was that guy,  
16 he was the one that was violent.

17 Q: Okay. Let's go back and talk to me about what happened when they took you down,  
18 okay. You say that the police officer got out of his car and he came, he walked up to you, right?

19 A: Yes. He walked up to me.

20 Q: And what happened next after he walked up to you?

21 A: He walked up to me and he continued to look at me with that glare and his voice got  
22 louder. His voice got even louder; it was more of like a-

23 Q: What did he say?

24 A: Like a man in authoritative, like okay, smart, tough guy, woo, woo, woo and you know,  
25 his voice and chest got, he just got irate. And I'm just sitting there looking and as one of my, my

1 little play brother, he walks up, and I think that's what got that officer even pumped, it boost his  
2 ego. Cuz my little brother said that, nah, this guy, he's a bad guy, you know. They call me, Pop,  
3 my friends all me Pop. He say, Pop, he's a tough, he's a bad police, like you know what I'm  
4 saying. Don't even talk to him cuz he's going to try to woo, woo, this that and the other. And he  
5 was like, you know, (inaudible) his ego.

6 Q: So, who was this guy who said this?

7 A: His name is [REDACTED].

8 Q: Okay. And how can I talk to him? Cuz he's a witness, right?

9 A: Yes. He is.

10 Q: What's his address and phone number?

11 A: His address, I don't believe, it's on [REDACTED]. I don't his exact street or number, I can get  
12 that to you by later on today or tomorrow.

13 Q: Okay. Okay. And you say your brother was out there to?

14 A: Yes.

15 Q: What's his name?

16 A: His name is [REDACTED]. He's staying in LA now. He's, he's under Warner Brothers,  
17 he's, he's an up and coming artist. We all work together on music.

18 Q: Uh-huh. Can you get me his phone number and address too?

19 A: Yes, I can get you all that.

20 Q: Okay. And who else was a witness there?

21 A: The key witness was my boss for the day, which is [REDACTED]

22 Q: And what's [REDACTED] last name?

23 A: I don't know, he's Arabic. His brother's there. I can get, I can get all that for you.

24 Q: Okay. All right.

25 A: Yes.

1 Q: I need to know all the, all the witnesses and all, and how I can reach them, okay. It's real,  
2 real important.

3 A: Yes.

4 Q: Cuz I need to get corroborating evidence about what you're telling me here and the  
5 witnesses will be able to help with what they saw, okay.

6 A: Uh-huh.

7 Q: So, but [REDACTED] still works there at the All night Market?

8 A: Yes. He's on swing shift.

9 Q: Okay.

10 A: He'll be here later on. I can gather all that information.

11 Q: Do you know his last name?

12 A: Hello?

13 Q: No?

14 A: Oh, he'll be on at 4 o'clock. Yes.

15 Q: Okay. So, he'll be there at the market at 4 o'clock?

16 A: Yes.

17 Q: All right. And do you know of any other people you can tell me about?

18 A: Yes. My coworker, [REDACTED].

19 Q: Okay. And what, does [REDACTED] still work there to?

20 A: Yes. He's a, he'll be here at 4 o'clock too.

21 Q: Okay. Phone just disconnected, that was it. Okay. The tape recorder is back on. Once  
22 again this is Irene Raposa and, from the OCC and I'm speaking with, can I have your name?

23 A: [REDACTED]

24 Q: Okay. All right. So, and you're aware the tape recorder is back on, is that right [REDACTED]

25 [REDACTED]

1 A: Yes.

2 Q: Okay. All right. So, you say that the police officer was, was irate and he was approaching  
3 you and he had a, a hard look, right? He's giving you a hard look?

4 A: Right.

5 Q: Okay. So then, you said that he talked into his walkie talkie?

6 A: Yes.

7 Q: Or the thing that was up on his shoulder?

8 A: Right.

9 Q: And then, what happened after that?

10 A: Like within a minute there was like five different police cars that entered the parking lot.

11 Q: Okay. And then what, what went on once they got in?

12 A: They jumped out, some had gloves, some were putting the gloves on they hand, you  
13 know, like an attack mode.

14 Q: Uh-huh.

15 A: And they surrounded me.

16 Q: Okay. How many cops in all are we talking about?

17 A: I would say from anywhere to six to eight.

18 Q: Okay. All right. So, they surrounded you and what happened next?

19 A: At that point, they, it was one of them that gave an order to go ahead and, go ahead with  
20 the procedure. So, I already knew the procedure was putting my hands behind my back.

21 Q: Uh-huh.

22 A: And I had did that, and once I did that, then the other order was to, for one of them to go  
23 ahead and grab my arms and go ahead and try to twist them. And I don't see why they did that.  
24 So, he had did it with such of a force, as towards it automatically flinched in my mind of how  
25

1 they did me with a kid. And so, then at that point I flinched, and he had released his grip on me,  
2 he had lost his grip.

3 Q: Do you know what officer that is?

4 A: No. I don't.

5 Q: And, and when you say flinched, what did you do?

6 A: I flinched at a, how they had my hands behind my back. So, once he grabbed me and start  
7 trying to rev it up my back I just flexed my muscle a little bit and he lost his grip.

8 Q: Okay.

9 A: Yeah. Cuz I'm like 6'3" and I'm 225 pounds.

10 Q: Okay.

11 A: You know, so they approach me very (inaudible).

12 Q: Okay. So, you flexed your muscle and he lost his grip?

13 A: Yeah.

14 Q: And what happened after he lost his grip?

15 A: They all attacked me.

16 Q: How did they attack you, what'd they do?

17 A: They, one grabbed my, you know two grabbed my arms and shoulders and one tripped  
18 me. One put his arm; I mean his foot in front of me as one pushed my neck down. So they, just  
19 brought me down like a big ole tree. You know, they checked me in there and when I hit the  
20 ground with my chest and my chin and my knees, that's the only thing that prevented me from  
21 falling. Cuz they, they had my arms. I couldn't fall with my hands, so I just fell face and chest  
22 first.

23 Q: Did you injure yourself when you fell?

24 A: Yes. It knocked the wind out me and I bruised my chin.

25 Q: So, do, do you still have the bruise, is it still visible?



1 A: Yes. On my knee and on my neck and chin.

2 Q: Is it a bruise or is it a scar?

3 A: It was, it was swollen. The swelling is going down.

4 Q: Okay. So, is there anything that I can take a picture of in other words?

5 A: My knee and my finger, that's about it right now. Cuz everything else had been healed

6 up.

7 Q: Okay. And what, what happened, what happened to your knee now?

8 A: My knee, it hit the concrete as they were on it. And as I was down there he had put his

9 knee on it and kept pressure on it.

10 Q: Okay. So, what injury did you suffer on your knee?

11 A: I suffered a skin tissue wound and it was swelling on my bones. So, it just, it just, it just, I

12 was messed up cuz I already had surgery, I couldn't walk, my knee was messed up. My chin was

13 swollen, my finger was broken.

14 Q: Did you see a doctor about this?

15 A: Yes. Yes.

16 Q: Okay. Did you go to the hospital, or?

17 A: Yes. I went to the hospital.

18 Q: You go to General?

19 A: Yes. On my own, they wouldn't even take me. So, I went on my own. I had my friend

20 take me there. And I've been going to there since then.

21 Q: Okay. I want to send you a medical release so that we can get the medical records to see

22 the full extent of your injuries, okay?

23 A: Yes.

24 Q: All right. So, I want to send that to your home address at [REDACTED]. And I'll

25 send that out today.

1 A: Okay. Yeah.

2 Q: So, what, what is still visible so that, I need to know if I need to take any pictures or  
3 anything.

4 A: The thing that is visible is my broken fingers and my shoulder that's out of place. And  
5 my elbow and the knee, the knee scar.

6 Q: Okay. What, what's wrong with your elbow?

7 A: My elbow, that was the elbow that was broken when I was a kid. A police officer did that  
8 also and I never even got no proper assistance on that.

9 Q: But what did they do this time to your elbow?

10 A: He, they twisted it, the same position when they put you in handcuffs, they put you in the  
11 handcuff and then they yank your arm up and he broke my arm when I was a kid.

12 Q: Uh-huh. But this time did they break your arm?

13 A: No. It's the same arm that they twisted and-

14 Q: Okay. Did they injure it this time?

15 A: Yes, they did.

16 Q: And what was the injury that you received?

17 A: The injury was a swell, it was so swollen to where I couldn't move and right now I still  
18 can't move. And my shoulder is out of place. It's been an injury that's been bothering me since I  
19 was a kid and they just reaggravated it now. And it's been hard for me to do anything, I just have  
20 to use my left hand cuz my right fingers are broken, so. My whole right side is paralyzed, I can't  
21 do nothing with it, or.

22 Q: Which of your fingers were broken?

23 A: My index fingers.

24 Q: Okay. On your right hand?

25 A: Yes.

1 Q: Okay. So, index finger and what other finger?

2 A: My finger that's next to it was bruised, but it was, it was not broken, it's just only my  
3 index finger.

4 Q: Okay. So, your index finger was broken?

5 A: Yes.

6 Q: Okay.

7 A: Yes.

8 Q: And you've complained about all of these things and talked about this with the doctor at  
9 General, is that correct?

10 A: Yes. I sure have cuz when I was going through surgery I was letting him know that my  
11 pain from my injuries from the incident with the police was starting to occur. So, he start  
12 charting them down one by one.

13 Q: Okay.

14 A: The recent one he got, cuz I gotta go through therapy, that's going to be a long process  
15 with me and my therapy for my surgery. But he got down to my elbow and my shoulder, has  
16 been you know, killing me.

17 Q: Okay.

18 A: I gotta take pain killers.

19 Q: Okay. And so, do you know which one of the officers did these things?

20 A: Yes. I got his badge number at home. I got the badge number at home.

21 Q: Okay. And is this the same officer who originally came out?

22 A: Yes.

23 Q: So, was the, it's the same officer who, who first talked to you?

24 A: Yeah. That's the first officer who, that's the one who did the damage.

25 Q: Tell me how he did the damage, what happened?

1 A: He reached down while seven of them had me already on the ground. And, and he  
2 grabbed my wrist and my fingers and looked at me and broke 'em.

3 Q: Okay. Were you resisting when you were down on the ground?

4 A: Oh, no. I couldn't resist. If I, I'm a big guy. If I resist, I'ma put up force and I would've  
5 hurted one of them. You know, but I let, I let them do what they did cuz I know the police how  
6 they are, and I know I didn't do nothing wrong. If I did something wrong, I would resist. But I  
7 didn't do nothing wrong.

8 Q: Okay. So, how did your shoulder get injured?

9 A: Cuz there was a guy with his knee on it.

10 Q: Okay. Do you know who, who that was?

11 A: No. They were all police officers that day, they all used tactics I think, he, he even  
12 boasted about they trained to use tactics like that.

13 Q: When did he say that?

14 A: He said that after the incident as he got me down to the station while his sergeant was  
15 there. He start trying to talk proper, you know. But before that he was acting like he was from the  
16 ghetto.

17 Q: What was he doing?

18 A: He was acting like a thug. He was really dogging me cuz his friends was there. You know  
19 once his cop, once his cop friends got there, he boastfully said and looked at me and he broke my  
20 fingers.

21 Q: Huh. Uh-huh.

22 A: He taunted me as he broke my fingers.

23 Q: Okay.

24 A: Everybody that was here seen it and they felt it.

25 Q: Okay. So, once, once the finger situation happened, what happened after that?

1 A: That's when somebody in the crowd said, get a camera.

2 Q: Uh-huh.

3 A: And that's the only reason why they stopped.

4 Q: Okay. So, they stopped then?

5 A: Yeah.

6 Q: And what happened after they stopped, what'd they do?

7 A: They picked me up from the back, from my back. My sweater, they picked me up and  
8 they put me in the car. No, you know (inaudible). Yeah, I'm on the business phone right now.

9 Q: Okay. I won't take too much time then.

10 A: Uh-huh.

11 Q: Okay. So, they picked you up and they put you in the car, anything happen while they  
12 were putting you in the car you want to complain about?

13 A: Just that that cop, that cop's attitude, the words he was using. It didn't stop until someone  
14 said get the camera and once I was in the car or whatever, I got to the station. Then he start  
15 cleaning up his act, start using professional words. Like a police officer should be, but he didn't  
16 do it at first.

17 Q: What kind of words was he using, what was he doing?

18 A: He was like, pointing me and I was like, yeah, who's the tough guy now. He was talk,  
19 you know he was using, you know he was, cuz I was voicing my opinion to him, it's like he  
20 didn't have no right to come at me like this. Instead he's shouting over talking me, so he was  
21 saying that was his time to talk. And it's like, you know, he was really just taunting me in so  
22 many ways from man to man. He's just like a tough guy tough guy thing.

23 Q: Uh-huh.

24 A: You know tough guy tough guy thing.

25 Q: Okay. Did he use any profanity?

1 A: Only when, when my little brother was right there and I think he had mentioned  
2 something about he don't care about certain mother fuckers riding on the street and he's, he's  
3 like a cop trying to get (inaudible). That's what he's, that's what he's doing.

4 Q: I'm sorry, I didn't hear what you said. He's like what?

5 A: He's like, the way he said it, it was like he's a cop, he's like the cop on the beat right  
6 now.

7 Q: Uh-huh.

8 A: You know, he don't care about other mother fuckers.

9 Q: Okay. Okay. So, they got you in the car and who took you down to the station?

10 A: I can't remember. I think it was another, one of the other police, but he was, he was there.  
11 Step by step though the guy who did all the damage.

12 Q: Uh-huh. Okay. Anything else that you want to complain about once you got to the  
13 station?

14 A: Once I got to the station, I believe the only I complain about that they didn't give me a  
15 ride to the hospital but then they told me that it was going to cost me. You know, my own and  
16 that-

17 Q: Did they call an ambulance?

18 A: They called a paramedic.

19 Q: Okay.

20 A: A paramedic.

21 Q: So, who told you that you, that you couldn't, that you should go to the hospital on your  
22 own, or?

23 A: He did.

24 Q: The paramedic?

25 A: Yes.

1 Q: Okay.

2 A: Could you hold one sec, please?

3 Q: Yeah.

4 A: Hello?

5 Q: Hi.

6 A: Yes.

7 Q: Okay. So, the paramedic said that it would cost you if you, if the paramedics took you to  
8 the hospital? And so, who, did you decide to go to the hospital on your own, or what?

9 A: Oh, yeah. There was no doubt about it cuz I was in so much pain. I was in so much pain.  
10 I was-

11 Q: But did you re, did you say, I'll go to the hospital. Or did, did the paramedic say, I, I'm  
12 not going to take you?

13 A: Paramedic said, he's not going to take me.

14 Q: Did any of the police get involved in that?

15 A: They were all talking before the car, before they came and seen me. And then when they  
16 came and seen me and checked me out. And then I was saying well, okay I'm ready to go to the  
17 hospital, and he said, well, we're going to take you to the hospital. And I need, I told him I need  
18 to go the hospital, I'm in pain. And they didn't, they didn't take me. Like, (inaudible) like they  
19 was working with them. The only thing they did is came in bandaged up my knee that was  
20 bleeding. And let my finger sitting there broke.

21 Q: Okay. So, then you went up to the hospital on your own?

22 A: Yes. Someone came and got me.

23 Q: Okay.

24 A: In a vehicle.

25 Q: How long were you at the, at the station, do you remember?

1 A: The station was no, I was there no longer than 25 minutes. 20 minutes, they got me in and  
2 out like it was, like they do it routinely.

3 Q: Okay. And what happened, did you get a citation, or did you get booked or what?

4 A: Yes. I got a citation.

5 Q: Okay. What were you cited for - do you know?

6 A: I was cited for, oh no, he wrote down some numbers. But mainly he, the things that were  
7 around me, they picked them up and they put them on me like there was a bottle of, of wine that  
8 was being drank out there. That's what I do and as far as cleaning up out there. So when he  
9 picked that up and he picked it up and he picked up a nickel bag of weed. And when I got  
10 downtown to the station, that was mine. I'm like, okay. So, my lawyer told me before just to be  
11 quiet, never say nothing, you know. So, they put a nickel bag of weed on me and a, a jug of  
12 wine.

13 Q: So, you, you didn't have anything to do with the wine?

14 A: Oh, no.

15 Q: Okay. So, were you drinking wine in the parking lot?

16 A: No. That was being thrown away. I was getting back to doing what I have to do which is  
17 get them up and throw them away.

18 Q: Okay. So you weren't, you were not drinking any wine?

19 A: No. Not at all.

20 Q: Not from a, were you drinking from a paper cup, anything?

21 A: Nothing. Nothing. Those were things that was being picked up and been trashed.

22 Q: Okay. And so, you say that there was a, some marijuana out there too?

23 A: Yeah. I guess from when the, when they pulled up and everything, somebody must've  
24 dropped one being scared or paranoid.

25 Q: Okay. But that wasn't yours?



1 A: No.

2 Q: Okay. Anything else that I need to know about this?

3 A: If so, yeah, I could probably call you and let you know cuz right now, he's ready for his  
4 phone.

5 Q: Okay. What, what I'd like you to do is call me with the names of all the witnesses.

6 A: Uh-huh.

7 Q: The names and addresses and telephone numbers of everybody that you know who was a  
8 witness, okay?

9 A: I most surely will.

10 Q: Okay. Very good. And I'm going to send you a medical release so that I can get a,  
11 medical records. I'm going to put that in the mail to you today, okay?

12 A: Okay.

13 Q: Okay. So, that's all I need from you right now is the witness information.

14 A: And your name?

15 Q: My name is Irene.

16 A: Irene.

17 Q: And the last name is, Raposa.

18 A: Raposa.

19 Q: Right.

20 A: Okay.

21 Q: Okay?

22 A: Okay.

23 Q: Okay. Thanks very much and I'll be looking forward to hearing from you with the  
24 witness information.

25 A: Okay. Thank you.

1 Q: Okay. Thanks-

2 A: Bye-bye.

3 Q: Bye.

4 END OF INTERVIEW

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2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**  
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**  
4

5 **CASE NUMBER: 881-98**  
6  
7  
8

9 **INTERVIEW OF:** [REDACTED]

10  
11 **INTERVIEWED BY:** **OCC INVESTIGATOR IRENE RAPOSA**  
12

13 **DATED:** **NOVEMBER 9, 1998**  
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1 Q: OCC INVESTIGATOR IRENE RAPOSA

2 A: [REDACTED]

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5  
6 Q: Okay. I'm turning on the tape recorder right now, okay. This is Irene Raposa with the  
7 office of citizens complaints, it's November 9<sup>th</sup>, 1998. And it's about 1:35. And I'm working on  
8 a case 881-98. And I'm speaking with, may I have your name, please?

9 A: [REDACTED].

10 Q: Okay. [REDACTED], you're aware the tape recorder is running, is that correct?

11 A: Yeah.

12 Q: Okay. All right. I just had a couple clarification questions that my supervisor asked, and I  
13 wanted to ask you them because they're your, your statement. When we talked the last time you  
14 said that you flexed your muscle and the officer lost his grip on your arm. Can you describe to  
15 me specifically what you did with your arm?

16 A: Okay. I was already in handcuff position, with both my arms to my back waist.

17 Q: Okay.

18 A: And I was surrounded by seven or eight cops and then one cop grabbed two of his hands  
19 and grabbed my wrist and elbow and tried to yank them off my back. And I just tensed my  
20 muscles, I didn't push him away. I just tensed my muscles and he lost his grip.

21 Q: Okay. Do you remember which arm this was?

22 A: My left arm.

23 Q: Okay. And so, you said that you tensed muscle in your left arm?

24 A: Yes.

25 Q: And how did he lose his grip? Do you know?

1 A: He lost his grip and he lost his footing too. He just stepped back and lost his grip.

2 Q: Okay. Did you move your arm at all?

3 A: No. I stayed in the same position. I just flexed my muscle a little bit and he lost his grip.

4 Q: Okay. So, you didn't move your arm, your left arm at all?

5 A: No. I didn't move at all.

6 Q: Okay. So, you just tensed it?

7 A: Yes.

8 Q: Tensed the muscle and then he lost his grip and, and his footing?

9 A: Well, like he had stepped toward me with a, with a hold on my arm and once he lost his

10 grip he had to regroup.

11 Q: I see. And do you know which officer this was?

12 A: No. It was one of the fellow officers with the guy, his badge number's 2192. I got that

13 with me now.

14 Q: 2192?

15 A: Yes.

16 Q: And which, which officer is 2192?

17 A: That's the one who did the damage. The one who broke my finger. The one, the first, the

18 first officer on the scene.

19 Q: Okay. All right. So, let's talk about your finger. Cuz I, I need to get a little bit more

20 information about that.

21 A: Uh-huh.

22 Q: Tell me about what, how that finger was-

23 A: Broken?

24 Q: Yeah.

25

1 A: I was down on the ground while about seven cops had me already pinned to the ground.  
2 He reached over on his knees, grabbed my wrist and my two fingers, looked at me in my eye,  
3 sarcastically, and then shouted, stop resisting, stop resisting and broke my finger.

4 Q: Okay. Do you know at what stage was the handcuffing that was taking place, had they  
5 already gotten you in handcuffs?

6 A: No. The only time they had me in handcuffs is after they broke my finger and someone  
7 had mentioned someone get the camera, that's the only reason why they stopped.

8 Q: Okay. So, you were down on the ground. Where were your hands?

9 A: My hands was spreaded out. Spreaded out from east to west.

10 Q: So they were like-

11 A: Like Christ, I was like-

12 Q: Okay. So, you had your hands straight out from your body like Jesus on the cross you  
13 mean?

14 A: Uh-huh.

15 Q: You said Christ to me-

16 A: Yeah.

17 Q: Okay. So, your hands were straight out, and, what were the officers doing?

18 A: They had choke holds and grip locks on me. They all had locks on me, I couldn't move.  
19 And mainly the two that were on my back and my neck, they were all, they were, they were both  
20 like 175-200 pound men. And I couldn't move. So, I was paralyzed, I couldn't do nothing.

21 Q: Uh-huh. Okay. Well, were they trying to move your arm, your arms at all?

22 A: Actually, they had, but the guy he had already came over there and broke my finger, and  
23 it was just a matter of them just letting go when they wanted to. Cuz I couldn't do nothing.

24 Q: Okay. So, was somebody holding your arms in this Christ like position?

25 A: Yes. Arms, legs.

1 Q: Who, who was doing that? Do you know?

2 A: It was like one of out of six officers that was doing that.

3 Q: Okay. So, so they were holding your arms out?

4 A: Yes.

5 Q: Was anybody trying to get your arms behind your back?

6 A: No. At that time, they just had locks on me. They had locks on me and at that time he was

7 giving all the commands of what the officers to do.

8 Q: Who was he?

9 A: Yeah. Officer 2192.

10 Q: Okay. So, you had your arms straight out, the police officers had you down.

11 A: Yes.

12 Q: Then they, 2192 came up and he, you say that he looked at you?

13 A: Yes. As I was down on the ground, he kneeled down on one knee, grabbed my wrist and

14 my two fingers, looked me in my eyes and broke 'em.

15 Q: Okay. What happened after that?

16 A: After that, I screamed, I yelled, I heard the pop and everybody in the crowd heard it. And

17 then that's when they yelled, someone get the camera, they killing him.

18 Q: Huh.

19 A: And that's when they stopped.

20 Q: Uh-huh. Which fingers were broken?

21 A: My right hand, my index finger.

22 Q: Okay. So, one finger or two?

23 A: One finger's fractured and the other one was with it, that's the one that was swollen.

24 Q: Okay. So, the one was broken and the other one was, was not?

25 A: Yeah.



1 Q: Okay. Okay. Okay. So, the, the, when you tensed your arm in the first instance that you  
2 were talking about, you didn't move your arm at all?

3 A: No. Cuz I was standing with my arms behind my back.

4 Q: Okay.

5 A: And when he came to approach me, he approached me with a grip that was so, it just  
6 remind me when I was a child, when they broke my arm.

7 Q: Uh-huh.

8 A: And I just flexed my muscles, you know, I'm 6'3", like 230 and I just flexed my muscle.  
9 And he lost his grip.

10 Q: Okay. Was he trying to do something with your arm?

11 A: Yes. He tried to use both of his hand grips and push my wrist up to the middle of my  
12 spine, up my back.

13 Q: Okay. And so when you, when you tensed your muscle, when you tensed your muscle,  
14 did he, was he able to continue to move your arm?

15 A: He lost his grip and once he lost his grip they attacked me.

16 Q: Okay. And so, when you tensed your muscle, did that stop him from moving your arm?

17 A: Yes. That stopped him.

18 Q: Okay.

19 A: And I kept it in the position. I didn't you know, extend my arm out. I just kept it there, I  
20 just locked, you know, flexed the muscle and he lost his grip. And I just stood there.

21 Q: Okay. So, you like locked your arm still?

22 A: Yeah.

23 Q: Okay. Okay. That's what I needed to know. And now let me ask you this, you had a, a  
24 name for me, right? A name of somebody who is a witness?

25 A: Right.

1 Q: Can you repeat the name for me again?  
2 A: His name is [REDACTED].  
3 Q: Okay. And what's the phone number again?  
4 A: Area code [REDACTED]  
5 Q: Okay [REDACTED]?  
6 A: Uh-huh.  
7 Q: What, what is, what, what is he in this, you know event here? What was he doing out  
8 there?  
9 A: He works for the owners here and he maintains order in the parking lot. He sweeps and  
10 get all the trash and things like that. He's a handyman, very handy. He's a ex-Vietnam vet. We  
11 call him [REDACTED].  
12 Q: Okay. So, this is the same person as [REDACTED]?  
13 A: Right.  
14 Q: Okay. And you had another person too, [REDACTED]? Did you get his full name?  
15 A: Yes. I did. And I currently don't have it with me, but that, that, that's not a problem cuz  
16 he works here.  
17 Q: Okay.  
18 A: Yeah.  
19 Q: But [REDACTED] also works there?  
20 A: Right.  
21 Q: Okay. And, and they'll know who I mean if I call and ask for [REDACTED]?  
22 A: Oh, yes.  
23 Q: Okay.  
24 A: Yes.  
25

1 Q: Okay. So, [REDACTED] though is [REDACTED] and, and that's the phone number, [REDACTED]  
2 [REDACTED]?

3 A: Yes.

4 Q: Okay. Okay. I think I have everything. So we can go off tape now, it's 1:45. Thanks.

5 END OF INTERVIEW

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1  
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**  
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**  
4

5 **CASE NUMBER: 881-98**  
6  
7

8  
9 **INTERVIEW OF:** [REDACTED]  
10

11 **INTERVIEWED BY:** **OCC INVESTIGATOR IRENE RAPOSA**  
12

13 **DATED:** **FEBRUUARY 10, 1999**  
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1 **Q: OCC INVESTIGATOR IRENE RAPOSA**

2 **A:** [REDACTED]

3 **[REDACTED]:** [REDACTED]

4  
5  
6 **Q:** This is Irene Raposa, investigator with the Office of Citizens Complaints. It's February  
7 10<sup>th</sup>, 1999 and it's about 11:20 in the morning. And I'm working on case 881-98. And I'm  
8 speaking with, and may I have your name, please?

9 **A:** [REDACTED].

10 **Q:** Okay. And [REDACTED], you're aware the tape recorder is running, is that correct?

11 **A:** Yes.

12 **Q:** Okay. And I have your permission to tape?

13 **A:** Yes.

14 **Q:** All right. Okay. You said you had something, some more information to give me. So,  
15 why don't you just go ahead and tell me what you were going to say.

16 **A:** Okay. I was a teenager jogging on my way to practice at [REDACTED]. That's over on  
17 [REDACTED]. And we, was practicing for a basketball championship. I was like one of  
18 the leading stars through the community. And one morning I was there waiting for the gates to  
19 open to practice and a police squad car ran me down as I was trying to get inside the gate. And  
20 two police officers stepped out and started rushing towards me. So, I threw my basketball down  
21 and tried to get around him and it's like, scared like what's going on. And they came after me  
22 and they grabbed me and threw me up against the wall. I was about 13 or 14, I couldn't weigh no  
23 more than about 100 pounds, 110 pounds.

24 **Q:** What year was this?  
25

1 A: This had to be at least 1985, 86, somewhere around that era. I'm 26 now, so I believe I  
2 was around 13.

3 Q: Okay.

4 A: And the police officers jumped out and rushed towards me and I threw my basketball  
5 down, like what's wrong, what ya'll want, what, what's wrong? And they threw me up against  
6 the wall and one officer to my left, had my arm. And then, this one officer grabbed two of his  
7 wrist, grabbed my wrist with two of his hands and my right arm he yanked and pulled it up my  
8 back and it broke. And it turned out to be that my elbow was broken in five different places. And  
9 they let me go, once from the station, whatever or not cuz they, you know, I didn't commit no  
10 crime or nothing. And so, the officer name was Hansen. So, I was scheduled a case number  
11 against the police department and Officer [REDACTED]. And at that time, Mayor Feinstein was in  
12 office. She came down to the gym. Took a picture with me and she referred me to one of her  
13 lawyers. And at that time I was young, I didn't really have too much sense, so. I went to see her  
14 lawyer and he was just giving me the run around, run around, run around and you know and  
15 come to find out that he was looking out for the best interest of the city. And he never really  
16 pursued the case. And now I'm an adult and I was curious of what happened, and who was the  
17 lawyer and how can we pursue this matter cuz I'm still having complications with my elbow and  
18 my shoulder as an adult now. And I want to see how can we pursue this matter.

19 Q: Well, I can't give you any legal advice, [REDACTED]. If you're talking about pursuing it  
20 legally, I can't do that. I'm, I'm not your lawyer. You need to find a lawyer and talk to your  
21 lawyer about what it is that you can do to pursue the matter.

22 A: Okay.

23 Q: Now, did you have a OCC complaint on that matter?

24 A: I believe I did cuz it went strictly through, it was, it was strictly by the book. Up until the  
25 point when she referred me to her lawyer, and he was shim shamming me. And I-

1 Q: Do you remember talking with an OCC investigator about this?

2 A: I was talking with, it was someone from his, attorney, it was someone from the attorney's  
3 office who did the report. And then I finally went and met with the attorney.

4 Q: What's the attorney's name?

5 A: I really can't remember. Cuz it was so, it was over ten years ago.

6 Q: Uh-huh. Well, I don't think I can look it up or find out any information about the attorney  
7 for you if you can't remember the name. I don't know how to do that. What I can do is, did you  
8 want to pursue something about this with the OCC, or how, you know, I'm just curious as to  
9 know why you're telling me about this right now?

10 A: Yes. Cuz I want to find out any information how can I dig up the case, the case number.  
11 cuz it was a, a complaint against me against the state, against San Francisco and the officer name  
12 was Officer [REDACTED].

13 Q: And you say there was a complaint against you?

14 A: No. I, I complained against them. It's me against them.

15 Q: Okay. So, the police officer's name was [REDACTED]?

16 A: Yes. He's off the force now. But he was on the force, he was all through the  
17 neighborhood harassing people and you know that ruined my basketball career, you know.

18 [REDACTED]: Ms. Raposa, excuse me, this is [REDACTED]. What he's trying to say, when these  
19 other officers did what they did to him, this time, it reinjured his old injury. And that's to go  
20 about when the police did let him go, they told me, they called me on the phone and said, you  
21 can go pick your son up in the hospital. And when I asked why, got hysterical. And they said we  
22 got hurt but we not, we, the good thing is we didn't arrest him. And I got there, and he got a big  
23 ole cast on his arm and stuff. And he had a up, a real upcoming career in basketball, you know.  
24 So, when theses officers slammed him down this time too, it reinjured it. And-

25 Q: Well, I, okay. So, what's your name, ma'am?



1 ■: I'm ■, I'm the one that talked to you, that when you, when we talked about my son  
2 and I was asking about the status of his case.

3 Q: Uh-huh.

4 ■: And told you he wanted me to call you and stuff and you didn't know (inaudible) and I  
5 had to talk to him to find out exactly what I was supposed to say. But he had to refresh my  
6 memory cuz we had an incident in our family that happened that everything just got blocked out,  
7 but I remember all of this here. Cuz the way that they called me on the phone, the police and  
8 said, you can just go pick your son up at San Francisco General. I run up there and he got this big  
9 ole cast on his arm.

10 Q: Ma'am, do you remember exactly what date that was that was, that that happened?

11 ■: Oh man. I really, I really, to be perfectly honest with you, ma'am, no I don't.

12 Q: Do you have any records of the, of the injury, any sort of medical records about the injury  
13 at all?

14 ■: No. I don't, but I know it's on file at San Francisco General.

15 Q: Why do you know that?

16 ■: Because they have to treat him.

17 Q: I'm sorry?

18 ■: They had to treat him-

19 Q: Okay.

20 ■: Put the cast and everything on him.

21 Q: This is, this is 15 years ago though, right?

22 ■: Yeah.

23 Q: Uh-huh. Okay. Now, in order for me to get those records, I'll need another medical  
24 release signed by you, ■. Are you there on the phone still?

25 ■: Yes. I am.

1 Q: Okay. I won't be able to get those with the medical release that you signed already  
2 because it's got a different on it, okay.

3 A: Uh-huh.

4 Q: And I'll also look to see if we have a case here at the OCC about this and if so, what was  
5 the outcome, etcetera, all right. So, what I'm going to do is I'm going to send you another  
6 medical release and what's the address again?

7 A: Excuse me?

8 Q: What's, what's your address to where, where I should send the medical release form?

9 A: Oh, [REDACTED]

10 Q: Okay. In what city?

11 A: [REDACTED].

12 Q: Okay. What's the zip?

13 A: It's in the [REDACTED] area, I believe it's [REDACTED] or [REDACTED]

14 Q: You know, that's a different address than what I have here on the complaint form that  
15 you filled out. Have you changed your address?

16 A: Oh, the address you have is where?

17 Q: I have [REDACTED] address.

18 A: Oh yes, the address is changed.

19 Q: Okay. So, now you're at [REDACTED]?

20 A: Yeah. That's my [REDACTED] house.

21 Q: Okay. And that's in [REDACTED], and I'll look up the zip code. What's your new home  
22 phone number?

23 A: [REDACTED]

24 Q: Uh-huh.

25 A: [REDACTED]

1 Q: Okay. All right. I'll make that correction. I'll send out a medical release form so that we  
2 can get the records and I'll check for OCC records about your complaint that you made earlier  
3 about this, okay?

4 A: Yes.

5 Q: If I find it. Anything else, any other information that you have for me?

6 A: No. Basically that was it cuz the officer name is [REDACTED]. If you can get the files off his  
7 police record and his sheet, it'll show that he had a case against him of police brutality and I was  
8 the victim. That would be the best way to go about it.

9 Q: Yeah, I know, actually I know how to research the records, that's not a problem for me.  
10 But I wanted to know if you had any more information for me about you know, something  
11 having to do with your case.

12 A: Oh, no, nothing to do. My mother stated it cuz I did forget to tell you that, they reinjured  
13 my injuries, you know what I'm saying from the incident that happened recently.

14 Q: Okay. Tell me about the reinjury, what you mentioned to me before was that you had a, a  
15 finger broken-

16 A: Right.

17 Q: You didn't mention much about your elbow. Tell me about how it reinjured your elbow.

18 A: Okay. During the same incident, as he broke my arm -- cuz you remember I was just like  
19 three days out of surgery. So, I was unable to really maneuver and, as they did what they did to  
20 me as they broke my arm, they all had choke holds and everything. And they all had pieces of  
21 my body and so, I didn't have nothing to land on. You know and my elbow and my shoulder. I  
22 had knees on my shoulder, I had knees on my neck. So, the injuries that were re, that had been  
23 reinjured was my elbow and my shoulder and right now I, I'm on pain pills due to that.

24 Q: Now, did you mention your elbow and your shoulder injury to the doctor at, at San  
25 Francisco General when you were seen on October 9<sup>th</sup> of '98?

1 A: Yes.

2 Q: You did mention that.

3 A: Yes-

4 Q: Did he examine you?

5 A: Huh?

6 Q: Did they examine you?

7 A: Not really. They're making (inaudible) I think they was just trying to brush me off and  
8 just take care of my finger. You know, cuz after that they were just trying to get me in and out.  
9 You know, I guess because they found out that I don't have no Medicare whatever, they just was  
10 trying to brush me off.

11 Q: Did they examine your, examine entirely?

12 A: No. They didn't.

13 Q: Okay. Did they take any x-rays of your elbow or your shoulder?

14 A: No. They didn't.

15 Q: But you did mention to them that you had pain there?

16 A: Yes.

17 Q: Did you mention to the people at the jail that you had pain there?

18 A: Yes. Yes. I'm actually scheduled for x-rays now.

19 Q: Okay. All right. I'm going to send you two medical releases then, okay. One for the  
20 earlier injury back in '85 or '86 and one for the injury that you're getting x-rayed now if you say  
21 that that has something to do with the police conduct. Okay.

22 A: Yes.

23 Q: So, I'll send you those two and we'll go from there. Anything else?

24 A: No, ma'am. No, ma'am. That's perfectly okay.

25

1 Q: Okay. Okay. We'll take it from there and we can go off tape at about 11:35. We're back  
2 on tape and it's still 11:35. I just wanted to ask you, how exactly was, was the elbow and  
3 shoulder reinjured? Exactly what was done and who did it?

4 A: Okay. Like I mentioned there were eight to nine officers. And they all had pieces of my  
5 body. Like my left arm, and my right arm. My right arm is the one that was injured when I was a  
6 kid, along with the shoulder. So, when they tried to put you in handcuff position, they grab your  
7 wrist and they grab your shoulder and they, in my case they try to yank it up your back. In my  
8 case, I was on the ground, helpless. I couldn't do nothing. And they tried, and, and they  
9 succeeded, but they was rough while they was doing it. And they was using excessive force. And  
10 it just really reinjured my bones, you know. And-

11 Q: So, who did this, do you know?

12 A: It was one of the fellow officers. The one who broke my finger, the main thing he did, he  
13 instructed, he instructed officers what to do and basically they all knew what to do. Cuz they are  
14 trained to do this and they, they succeeded. Cuz you know, there was nothing I could do, I was  
15 fresh out of surgery, I couldn't, I was only like 40 percent in my health. And I was down on the  
16 ground, helpless and they all were just, just ah man, just tagging me.

17 Q: So, do, you don't know the identity of the particular officer who injured your, reinjured  
18 your elbow and shoulder?

19 A: No. Cuz I was face down on the concrete. I couldn't see anything cuz they were all  
20 jumping on my back and everything and my neck.

21 Q: Okay. So, describe to me exactly what the motion was again that, that worked on your  
22 elbow and your shoulder?

23 A: Okay. I was lying face down on the concrete, and I was spreaded out like a cross.

24 Q: Hold, hold on just a minute, okay. Someone's trying to reach me, I'll be right back.

25 A: No-

1 Q: Okay. I'm back on tape now.

2 A: Yes.

3 Q: So, you were face down, you were spread out like a cross?

4 A: Yes. Spread out like a cross. Such as my arms to east and west.

5 Q: Uh-huh.

6 A: And they put my arms in a position so my arms can go up my back and that's I guess  
7 when the injury occurred. Or when they slammed me to the ground I know for a fact, my chin,  
8 my chest and my shoulder hit the ground. That's the only thing that, that hit, cuz I didn't use my  
9 hands cuz they all had me. And as they was putting on the handcuffs whatever, they was using  
10 excessive force. So I guess they put my arm behind my back, they guy still had his knee on my  
11 neck and my shoulder and it just put it out of socket, I guess.

12 Q: Put it out of the socket? Is that what happened?

13 A: That's my, that's my terms of using it. You know, I know it was, it was not comfortable.

14 Q: Okay. Why didn't you mention this injury, those injuries to me when you talked to me  
15 about this earlier?

16 A: Oh, cuz I might've mentioned it, but I probably wasn't in detail. I might've told you that  
17 they reinjured some injuries that happened to me once I was a child. But I probably didn't go  
18 into detail. I probably mentioned that I had a lawsuit before and my elbow and arm was broken,  
19 but I probably didn't go into detail.

20 Q: Okay. But as far as the current injuries, the reinjuries, why didn't you mention those?

21 Q: Oh, cuz that, that was the statement that I made, that I had a lawsuit before my arm was  
22 broken and it was reinjured. That's why I was so in pursuant of trying to find out how can we run  
23 that case and this case.

24 Q: No. That's what you said today, but you haven't, you haven't talked to me about that  
25 before.

1 A: Oh, it might've slipped my mind cuz once I probably mentioned that my arm was broken  
2 before, I don't know, it's probably in my mind, I probably just didn't verbally say it.

3 Q: Okay. Cuz you did tell me about your finger. But you didn't mention anything about your  
4 elbow or about your shoulder. And I'm just wondering how could that slip your mind?

5 A: Oh, well, I don't know cuz maybe you know when I get in situation I got to blame myself  
6 sometimes. I get a little hyper and then you know I probably just answering your questions  
7 instead of just, you know really just explaining what's really going on with my body. I probably  
8 just dealing with the nature of the problem which was my broken finger.

9 Q: Okay. Okay. So, you didn't mention anything about the shoulder and the elbow to me  
10 before because you, you were confused, or? You, you didn't remember, or how, how would you  
11 best characterize it?

12 A: I would say that I was just only dealing with the matter at hand. And I guess at that time I  
13 don't, I don't know if it was important.

14 Q: Okay. But it, but it feels important now?

15 A: Oh, most definitely.

16 Q: And, and why, what's the difference, what, what caused the change?

17 A: Oh, cuz the pain that I'm going through and that I've been going through. The pain pills  
18 that I was taking really wasn't for my finger, it was for my shoulder, you know. And I can't even  
19 reach my arm to a certain extent, to a certain level and everything. It's just been really bothering  
20 me. So, you know, it was, it occurred that day cuz ever since then, I was pretty much cool until  
21 this incident happened, so. I guess, at that time, I don't know what, the important thing is let you  
22 know what they really caused was with the broken finger or was it, you know, was it a matter of  
23 letting you know that they reinjured a wound that happened when I was a kid.

24 ■: Can I say something also what I'm thinking. When your injury to your occurred and he  
25 was talking to you, at that place and time, that's what was hurting. But by the old injury being,

1 you know how time go along, things progress, and the old injury started to come in and  
2 resurface. That broken finger triggered the old injury and it's probably with a couple days or  
3 week later, but all of this come, came in and correlated together, that's why he probably didn't  
4 mention it. Was just thinking about the finger. You know how get in an accident and you get up  
5 and walk away, and then three days later, you can't get up out the bed cuz it takes time for it to  
6 settle in?

7 Q: Uh-huh. Uh-huh. Well, that brings up a good point. [REDACTED], when did you first start  
8 feeling problems with your shoulder and your elbow?

9 A: I believe at the hospital and when I was released. Cuz I also had surgery, so I had all kind  
10 of complications with me.

11 Q: What kind of surgery?

12 A: Oh, I had surgery of [REDACTED], I'm-

13 Q: Okay.

14 A: (inaudible) cancer.

15 Q: Okay. So, that's, that's the surgery that you're talking about.

16 A: Right.

17 Q: And then, you say that you, you felt it in the hospital, you felt your elbow and your  
18 shoulder bothering you in the hospital?

19 A: Yes. Cuz you know when it's time to use your arms and everything, your joints and I felt  
20 pain you know when I tried to use my right arm to try to leverage to get up. And then, when the  
21 cold weather hits it really kicks in, you know.

22 Q: Okay. Okay. But you don't know exactly which officer was the one that reinjured your  
23 arm and (inaudible) your elbow and your shoulder?

24 A: No. It was a group of officers and I couldn't you know, I was face down.  
25



1 Q: Okay. And do you know exactly what motion was it that reinjured your arm and your  
2 shoulder?

3 A: Not exactly. But it was from the impact when they slammed me down, or I, I think it's  
4 when one of those guys was on my shoulder and my neck with his boots and his knee. While  
5 another guy had my arm and was twisting it.

6 Q: Okay. Okay. Any other facts that I need to know here, have we covered it?

7 A: Oh, yes. We covered it.

8 Q: Okay. All right. I'll go off tape then. It's 11:40.

9 END OF INTERVIEW  
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