

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received
 1-2-07

000607

Complaint Against: Personnel Policy Procedure

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

2 Primary Complainant: Co-Complainant

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

HOME ADDRESS: [Redacted]
 Street: [Redacted] Apartment: [Redacted]

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

WORK ADDRESS: [Redacted]
 Street: [Redacted] Apartment: [Redacted]

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

3 Personal Information

Age: 32 Date of Birth: [Redacted]

Sex: MALE

Ethnicity: AFRICAN-AMERICAN

Occupation: PHYSICIAN

4 Telephone Numbers:

Home: [Redacted]

Work: [Redacted]

Other: [Redacted]

5 Location of Occurrence: EMERALD AUTO, CORNER OF 12TH AVENUE & JUDAH STREET (SAN FRANCISCO)

6 Type of Place: AUTO SHOP

7 District: INNER SUNSET

8 Day, Date, & Time Of Occurrence: THURSDAY, 12/28/2006 ~ 2200 HRS
 A.M. / P.M. (Circle one)

9 Incident Report or Citation No: [Redacted] Later changed to [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
 Photos Taken? Yes No By: Photo Lab O.C.C. Other: HOSPITAL

Type of Injury: Right & Left Wrist abrasion/contusion
 Headache secondary to fall
 Medical Release Signed? Yes No

12	13	14	15	16	17	18	19	20	21
Activity	Type	DISP.	Uniform Yes No	Rank	Member's Name & Star Number	Unit	Svc	Sex M	Eth WHITE
See attached OCC Allegation Continuation form									

0006-07

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 22. 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 22 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 (22). Para pedir información o solicitar ayuda visite nuestras oficinas locales o llamenos 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-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 pagsusulatan 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 blokeng bilang 22. 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 Philipinies 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.

22

NARRATIVE OF INCIDENT: PLEASE SEE ATTACHED SHEET.

See Reverse side →

(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.

THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:



12/29/2006

Taken By (Name/#/Unit)/Date:

Assigned Investigator/Date:

K. Hepple 1-2-07

Closure Approval/Date:

Ch. Galt 8/14/07

0006-07

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 buzon. No necesita estampilla (sello postal).

Matapos buuin ang pormang ito, tiklupin sa mga linyang nakatatak sa baba upang makita sa labas ang aming "address". Ihulog 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

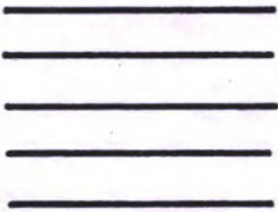


NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

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



OCC #
0006-07

My name is [REDACTED] a resident at [REDACTED]. On Thursday 12/28/2006 at approximately 10:00 PM, I was under the hood of my car when I was approached by two white male police officers. They immediately placed me under arrest without asking any questions. The following is an account of the events that transpired that evening:

I am under the hood of my car a few feet from my house. Suddenly, I am approached by two Caucasian police officers; I am told I was being placed under arrest the reason unbeknown to me. I am certain this was a mistake and as I tried to communicate with the officers I was swiftly told to 'shut up' and told that I am 'under arrest'. I continue to question what is unfolding, but my oppressors only become more aggressive and agitated. As I offer no resistance they place me in handcuffs and they brutally shoved my body against my vehicle. They squeeze my fingers and flex my wrists with excessive force. They force my bound wrists rostrally with the intention to inflict more pain. I squirm in pain fearing what may happen next. I plead multiple times asking them to loosen the cuffs and ease my pain. I ask them to be gentle, compassionate, and to show me some respect as I continue to plead my innocence which all fell on deaf ears. I ask them what I am being charged with and their response was to squeeze the cuffs a little bit more. As I am living this nightmare, I am able to keep my composure and answer all questions accurately and give them all the information they request. As they searched my vehicle with no regard for my personal belongings, I offer them the title to my vehicle, which is in my house. But they are confident I am a criminal and pay no attention to my words. The younger officer kicks me with the front of his boot on the lateral aspect of my right lower extremity. I ask him why he kicked me, and he says, "I am doing my job".

Two more Caucasian male officers arrive. Still in handcuffs I look on helplessly as big tall white male approaches me. Without a word he strikes me with a closed fist on the right lateral aspect of my chest. I lose my balance, fall and strike my head against the concrete. His fellow officers look on but no one says a word. I regain my composure and enquire why he punched me and he says 'because I want to!' I am amazed by his boldness, confidence, and outright defiance of the law. No one tries to help. I demand his identification number but he only scoffs at my request and mocks at me asking if "I like meth." I am bewildered by his inquisition and could not believe what I heard; I ask him to repeat himself. In disbelief of all that was happening, my thoughts focus on the severe pain from my wrists (which now bear the bulk of my weight) but no one cares to respond to my cries for help. I begin to think, maybe the officers do not realize how intimidating they are or maybe they do not realize that they carry the power of life and death. Due to their outright defiance of the law and gang/mafia-mentality, I reminded the officers that I have no enemies so if anything happens to me they would be held accountable. If this is what occurs while it is daylight, I fear what they could do when no one was watching.

Finally the supervisor, an African American male arrives. They pull me up to my feet and he questions me further. I am led in handcuffs to my house. I break down in tears as neighbors look on. I feel violated, demoralized, embarrassed and powerless. In the confusion I asking myself 'what did I do wrong to deserve this?' My roommate sees me and identifies me as his roommate. I locate the title for the officers. They review the title and question me further. With my broken spirit I beg them one last time to be released from the bondage of the handcuffs and they finally come off leaving bruises on my wrists. Without an apology, an explanation or any signs of regret or remorse they gathered their belongings and depart.

As I reflect back on this incident, the officers who assaulted me cannot be trusted to protect our communities. They are dangerous and cannot be allowed to carry the power of life and death. Being a police officer requires self-control, discipline and the utmost regard for the law. The officers who stood by silently are just as guilty as those who assaulted me. I was unjustly targeted (as a young black male in a predominantly Caucasian neighborhood), physically assaulted, and emotionally traumatized by those charged to protect me. My question is who was being protected and served in this situation?

I was arrested and searched without a warrant or my consent; my personal property was destroyed; my privacy was violated and worst of all I was subject to physical, emotional, and verbal abuse. The comfort and openness with which these officers committed their crimes makes me extremely concerned about the integrity of the SFPD. As a consequence I feel my rights were violated, I am therefore filing a complaint and pressing criminal charges against those officers and the San Francisco Police Department. Any further inquiries should be directed toward my attorney.

[REDACTED]

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0006-07

COMPLAINANT: [REDACTED]

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
[REDACTED]									

DESCRIPTION: _____

Allegations against this officer include:

[REDACTED]

[REDACTED]

[REDACTED]

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0006-07

COMPLAINANT: [REDACTED]

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
[REDACTED]									
/		/		//	" "	//	/	//	//
/		/		//	" "	//	/	//	//
"		/		//	" "	//	/	//	//
"		/		//	" "	//	/	//	//
/		/		//	" "	//	/	//	//

Allegations against this officer include:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0006-07

COMPLAINANT: [REDACTED]

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
09	UF	NS	/	Q2	Jon Kasper #68	31		M	I
"	[REDACTED]	[REDACTED]	/	"	" " #68	"		"	"
"	[REDACTED]	[REDACTED]	/	"	" " "	"		"	"
"	[REDACTED]	[REDACTED]	/	"	" " "	"		"	"
"	[REDACTED]	[REDACTED]	/	"	" " "	"		"	"
"	[REDACTED]	[REDACTED]	/	"	" " "	"		"	"

DESCRIPTION:

Allegations against this officer include:

Unnecessary Force used during detention.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0006-07

COMPLAINANT: [REDACTED]

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
[REDACTED]									

DESCRIPTION: _____

Allegations against this officer include:

[REDACTED]

[REDACTED]

[REDACTED]

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0006-07

COMPLAINANT:

(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
[Redacted]									

DESCRIPTION: _____

[Redacted]

OFFICE OF CITIZEN COMPLAINTS
WITNESS LIST
OCC CASE NO. 6-07

Civilian Officer

Name: [REDACTED]
Address: [REDACTED]
City: [REDACTED]
State: [REDACTED] Zip: [REDACTED]
Telephone: [REDACTED]

work

*pass. with c's friend
outside in car*

Civilian Officer

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian Officer

Name: [REDACTED]
Address: *90* [REDACTED] *in*
City: [REDACTED]
State: _____ Zip: _____
Telephone: [REDACTED]

(injuries only)

Civilian Officer

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian Officer

Name: [REDACTED]
Address: [REDACTED]
City: [REDACTED]
State: _____ Zip: [REDACTED]
Telephone: _____

Comp's roommate

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: _____

INTAKE CHECKLIST

CASE # 06-07

COMPLAINANT _____

PHASE I (first ten days)

	Done	N/A	Date Ordered and Notes
A. CASE RECEIVED			
1. Log into book/database	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
B. LOCATE AND INTERVIEW COMPLAINANT			
1. Obtain specific contact info	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
2. Medical release signed	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Juvenile Consent form signed	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. 148.6 signed or taped	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Photograph injuries	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Photo spread	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Complete 293	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
C. CASE CHRONOLOGY			
1. Summarize interviews/evidence in CWS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
2. Record investigative steps in CWS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
D. COMPUTER INFORMATION			
1. Run CAD, QCH, QUH,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
2. DMV, QALL, QIR, QPRL, QLAB, QCA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
3. Run PS or Roster	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
4. Other _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
E. ORDER DOCUMENTS			
1. Obtain copy of IR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
2. Obtain communications tape	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
3. Citations ordered	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
4. Medical records	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
5. Arrest card	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
6. S/W (affidavit), UOF log, Tow Inventory,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
7. 849(b), Strip Search Auth., Juvenile Log, Arrest	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
8. Log, Paramedic Records	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
9. Housing card	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
10. Other _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
F. IDENTIFY WITNESSES			
1. Obtain specific contact info	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Start witness list	<input type="checkbox"/>	<input type="checkbox"/>	_____
G. DRAFT ALLEGATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
H. FINALIZE NARRATIVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
I. START TAPED INTERVIEW LOG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
J. REVIEW GO'S, RULES, HS/WI/PC/DB/MPC/ COPWARE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
K. PREPARE CASE MGMNT. DOC. (See reverse)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

PHASE II

	Done	N/A	Date Done/ Notes
A. SENT IN FOR INTAKE REVIEW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
B. INV PLAN/ALLEGATIONS APPROVED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
C. ASSIGN WEIGHT	<input type="checkbox"/>	<input type="checkbox"/>	_____
D. COPY 293	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
1. Copies sent to Admin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
2. Copies mailed to COMP	<input type="checkbox"/>	<input type="checkbox"/>	_____

(OVER)

Emergency Communications
Department
Custodian of Records
1011 Turk Street
San Francisco, CA 94102

LO-9
6-07
OCC #

38

RECEIVED
AT OCC

2007 FEB 27 P 2:45

OFFICE OF CITIZEN COMPLAINTS
480 Second Street, Suite 100
San Francisco, CA 94107

Heppe

California Peace Officers Legal Sourcebook

2.20

SEARCH AND SEIZURE - PERSONS

You should also realize that the amount of "probable cause" you have when dealing with a suspect has no bearing whatsoever on the question of when Miranda warnings are necessary and that Miranda advisements are never necessary unless you are trying to obtain an admissible statement. (See Chapter 7, "Statements," for a more detailed discussion.)

I. Searches During Detentions (Patdowns/Frisks)

During a detention, you have no power to conduct a general, full, exploratory search of the suspect. (Of course, if the detainee is on parole or searchable probation, you are entitled to search him without any suspicion of criminal activity. (Reyes (1998) 19 Cal.4th 743; see discussion in Ch. 5, sec. VII.)

However, you may conduct a patdown or limited weapons search of someone you have detained, but (1) only for weapons, (2) only of his outer clothing, and (3) only if you have specific facts which make you feel in danger. (Terry (1968) 392 U.S. 1; Flippen (9th Cir. 1991) 924 F.2d 163, 166; Hill (1974) 12 Cal.3d 731.) "Standard procedure" isn't good enough. (Santos (1984) 154 Cal.App.3d 1178.) You must **reasonably suspect** that the person is armed or may be armed (Dickerson (1993) 508 U.S. 366, 373; Limon (1993) 17 Cal.App.4th 524, 532), although you do not need to be positive (\$109,179 (9th Cir. 2000) 228 F.3d 1080, 1086; Frank V. (1991) 233 Cal.App.3d 1232, 1240; Wright (1988) 206 Cal.App.3d 1107; Stephen L. (1984) 162 Cal.App.3d 257).

The courts are quite supportive of your safety. (Flippen (9th Cir. 1991) 924 F.2d 163, 165; Frank V. (1991) 233 Cal.App.3d 1232, 1238; Snyder (1992) 11 Cal.App.4th 389, 393; Wilson (1997) 59 Cal.App.4th 1053, 1060-1061.) But at the very least you need a potentially dangerous situation to justify a patdown search. Dealing with a suspected dangerous felon is by definition enough cause.

Example: It was illegal for a deputy to frisk a man who was sitting in a stopped car, engine running, in the middle of a one-lane rural dirt road, even though the man had no license or other identification, refused to let the deputy search his vehicle, and was nervous and sweating, and even though the deputy had discovered a film canister containing baking soda, since none of these factors would lead an officer to reasonably believe that a weapon might be used against him. (The frisk produced cocaine.) Despite the fact that every encounter between a citizen and a police officer holds some potential that the citizen may be armed, "specific and articulable" facts are necessary which show that the suspect may be armed and dangerous. (Dickey (1994) 21 Cal.App.4th 952,

California Peace Officers Legal Sourcebook

2.22f

SEARCH AND SEIZURE - PERSONS

Example:

At 8:00 p.m. officers saw two vehicles parked side by side facing opposite directions in the middle of the street in a high narcotics area. Several people were standing near both cars, and the officers saw them lean into the cars and exchange objects with the passengers. As the police approached, the cars drove off and many of the individuals, including the defendant, fled on foot. The officers chased the suspect, who threw away some rock cocaine before he was apprehended. The court held that these facts constituted reasonable suspicion; the detention was justified, so it made no difference whether the chase constituted a detention or not. (McGriff (1990) 217 Cal.App.3d 1140.)

Remember, however, that "flight" alone, by itself, is not enough to justify a reasonable suspicion, according to California cases, and that the United States Supreme Court has not yet ruled on this issue. (See discussion under "Flight," above.)

K. Informing the Suspect of His Status

If at all practicable, tell the suspect that he is not under arrest. Tell him that he is being detained in order to clear up the problem. Even better, if you can, try to treat a suspect as if he were just another witness (the "consensual encounter" approach - "Would you help me?").

UF

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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48

[REDACTED]

Q2 Kasper X

[REDACTED]

[REDACTED]

Kasper - Author IP

0006-07

7U
AU
Deter

[Redacted]

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X 05 Kasba

Kas

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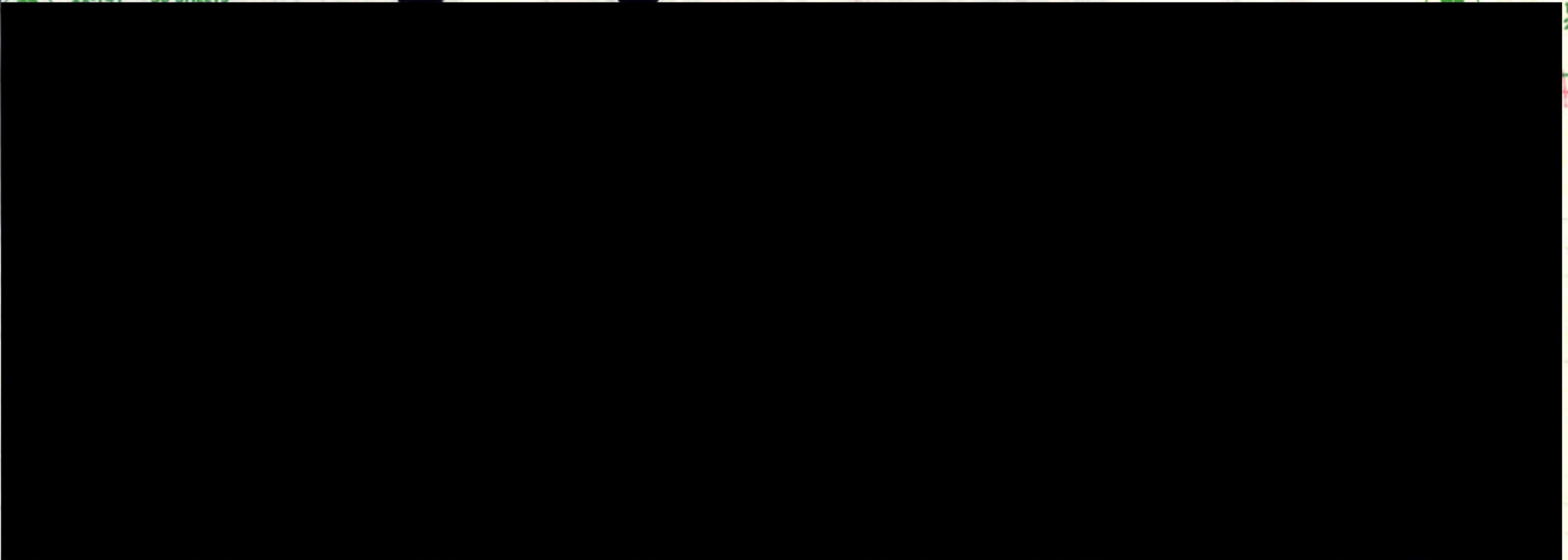
[Redacted]

[Redacted]

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Kasba - Antwa

0006-07



70-2000

Date Doc's 6/8/07

Due Date 7/1/07

Primary

3I13D Kevin Healy 579

Jon Kasper 68

Kicked

arresting called in 148 & cuffed

2ndary

~~3I13D~~

3I16E Joshua Phillips 1697

Daniel Kroos 546

3rd

3I100 ^{Sat.} Robert Doss 1566

4th

3I11E Joseph Porta 209

queried comp lic. plate

5th ?

3I13E Jason Kristal 4217

Jimmy Lee 2218

no record found

generated Feb. 12, 2007

ATTEMPT TO HIDE HIMSELF: The suspect attempted to hide from officers.⁵⁵

FLIGHT: To run from officers is one of the strongest nonverbal admissions of guilt a suspect can make.⁵⁶

PHYSICAL EVIDENCE: Officers might reasonably believe that an anonymous caller's tip was accurate if, upon arrival, they saw some physical evidence of the type they might expect to find if the caller was truthful. For example, in *People v. Orozco*⁵⁷ an anonymous caller reported that the occupants of a car were firing shots out of it. The caller said there were several men in the car which she described. When officers arrived, the car was parked on the street and there were five people inside. They also saw two expended cartridges within a four-foot span of the passenger door. The court ruled the detention of the occupants was lawful.

Similarly, in *Davis v. U.S.*⁵⁸ a person reported that a man in a wheelchair was now selling crack cocaine on a certain street, and that he was hiding the cocaine in his right shoe. Upon arrival, officers spotted a man in a wheelchair and they also noticed that the shoe laces on both of his boots were untied. In ruling the search of the man's boots was lawful, the court noted, "[M]ost people do not leave their boots untied. . . . If the information provided by the citizen had been false, then the fact that the laces were untied would have been rather a remarkable coincidence."

Other relevant circumstances

As noted, the courts consider all relevant circumstances in determining whether information from an anonymous caller appeared to be sufficiently reliable to justify a detention. The following circumstances, although not determinative, are considered relevant.

DETAILED INFORMATION: The courts often note whether the caller provided detailed information as opposed to a conclusory statement or bare-bones tip. As the United States Supreme Court explained, "[E]ven if we entertain some doubt as to an [anonymous] informant's motives, his explicit and detailed description of alleged wrongdoing, along with a statement that the event was observed first-hand, entitles his tip to greater weight than might otherwise be the case."⁵⁹ On the other hand, a tip that a certain person is acting "suspiciously" would not justify a detention because the term is too general.

FIRSTHAND KNOWLEDGE: It is significant that the caller indicated his information was based on personal observation, as opposed to rumor or other hearsay.⁶⁰ For example, in *Florida v. J.L.* the U.S. Supreme Court ruled a 911-based detention was unlawful because, among other things, "All the police had to go on in this case was the bare report of an unknown, unaccountable informant who neither explained how he knew about the gun nor supplied any basis for believing he had inside information about [the suspect]."⁶¹

Similarly, in *People v. Jordan* the court ruled an anonymous 911 call did *not* justify a detention largely because:

[T]he 911 operator did not ask and the informant did not tell how he knew that appellant was carrying a small caliber handgun in his right jacket pocket. The informant did not say whether he personally saw the gun, inferred its presence from other facts he observed, inferred its presence from appellant's reputation, or received the information from another individual.⁶²

⁵⁵ See *People v. Overton* (1994) 28 Cal.App.4th 1497, 1504; *In re Jonathan M.* (1981) 117 Cal.App.3d 530, 535; *People v. Souza* (1994) 9 Cal.4th 224, 240; *U.S. v. Woodrum* (1st Cir. 2000) 202 F.3d 1, 7 ["(S)louching, crouching, or any other arguably evasive movement, when combined with other factors particular to the defendant or his vehicle, can add up to reasonable suspicion."]; *People v. Nonnette* (1990) 221 Cal.App.3d 659, 668 [four men in a parked car were "ducking up and down"].

⁵⁶ See *Illinois v. Wardlow* (2000) 528 U.S. 119, 124 ["Headlong flight—wherever it occurs—is the consummate act of evasion; it is not necessarily indicative of wrongdoing, but it is certainly suggestive of such."]; *California v. Hodari* (1991) 499 U.S. 621, 623, fn.1]; *People v. Souza* (1994) 9 Cal.4th 224, 235; *People v. Mims* (1992) 9 Cal.App.4th 1244, 1249.

⁵⁷ (1981) 114 Cal.App.3d 435.

⁵⁸ (D.C. Ct. App. 2000) 759 A.2d 665, 675-6.

⁵⁹ *Illinois v. Gates* (1983) 462 U.S. 213, 234. ALSO SEE *U.S. v. Sierra-Hernandez* (9th Cir. 1978) 581 F.2d 760, 763 ["The tip here was neither vague as to the time of the criminal activity, nor imprecise as to the kind of crime being committed."].

⁶⁰ See *Illinois v. Gates* (1983) 462 U.S. 213, 230 [caller's "basis of knowledge" is "highly relevant"].

⁶¹ (2000) 529 U.S. 266, 271; *U.S. v. Wheat* (8th Cir. 2001) 278 F.3d 722, 732 ["(T)he anonymous caller specifically alleged that he had personally observed several different traffic violations involving erratic driving."].

⁶² (2004) 121 Cal.App.4th 544, 559.

California Peace Officers Legal Sourcebook

4.2

SEARCH AND SEIZURE - VEHICLES

B. Reasonable Suspicion

A detention is valid only if you have a "reasonable suspicion" that: (1) something relating to crime has just happened (or is happening, or is about to happen); and (2) the vehicle or the person in the vehicle you are about to detain is connected with that activity. (Sokolow (1989) 490 U.S. 1, 7-8; Tony C. (1978) 21 Cal.3d 888, 893; Twilley (9th Cir. 2000) 222 F.3d 1092, 1095; Limon (1993) 17 Cal.App.4th 524, 532.)

Your "reasonable suspicion" must be based on specific facts that you can articulate to a court. The court will then decide, based on the totality of the circumstances, whether the facts were enough, objectively, to constitute reasonable suspicion. (Ramirez-Sandoval (9th Cir. 1989) 872 F.2d 1392, 1395.) On the other hand, you cannot make a valid detention based on a hunch, rumor, intuition, instinct or curiosity. (Renteria (1992) 2 Cal.App.4th 440, 443.)

Generally, an anonymous telephone tip is not going to be sufficient to justify a detention, although it can be if there is a sufficient basis—such as predicting future behavior—for thinking the tip is worthy of belief. (J.L. (2000) 529 U.S. 266; White (1990) 496 U.S. 325, 330; Ramirez (1996) 41 Cal.App.4th 1608.) However, if the call is reporting possible drunk or reckless driving by someone who has observed the driving, the call, itself, may provide a sufficient basis for a brief investigatory stop. (Lowry (2005) 129 Cal.App.4th 926.) (See more thorough discussion of anonymous tips in Ch. 2, sec. III-B-2.)

If your suspicion relates to the passenger only, it is nevertheless legal to stop the vehicle. (William J. (1985) 171 Cal.App.3d 72.) Your suspicion may be based on a "wanted flyer" or similar bulletin issued by some other jurisdiction and relating to a completed crime, as long as the other jurisdiction had a reasonable basis for issuing it, and your detention is not impermissibly intrusive. (Hensley (1985) 469 U.S. 221; Conway (1990) 222 Cal.App.3d 806.)

Note: Even if the computer information you are relying on is erroneous—for instance, by indicating that the driver has an outstanding arrest warrant when in fact he does not—your stop would nevertheless be valid. Any resulting evidence would not be suppressed, at least where the mistake was made by court personnel as opposed to police personnel. (Evans (1995) 514 U.S. 1.) The same is true for DMV errors made by data entry clerks, such as erroneous information regarding expired registration. (Hamilton (2002) 102 Cal.App.4th 1311; see also Miguel (9th Cir. 2004) 368 F.3d 1150, 1154.)

1/4/07

Allegations:

UF (kicked, punched, tight cuffs) 68 &

[REDACTED]

⁴ Going into comp's pockets.

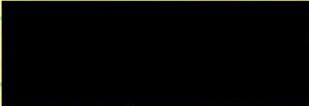
⁵ Refused to take statement from comp. during initial contact and allow comp. to prove proof of ownership of vehicle. Lending too much credibility to 911 caller thereby conducting a biased investigation.

⁶ Explain to comp. why he was detained/investigated.

⁷ Comp's flashlight broken and his ID badge clip broken.

Kick Kasper 68
cuffing K & Healy 579

Back up: 3I16E Phillips 1697 & Kroos 546
3I11E Porta 209 &
3I100 Insp. Doss 1566
3I13E Kristal 4217 & Lee 2218

pusched (punched if you believe it) by 
who was being held by K

INVESTIGATIVE DETENTIONS

This order establishes policies and procedures regarding investigative detentions.

I. POLICY

- A. **DETENTIONS.** It is the policy of the San Francisco Police Department that every person has the right to use the public streets and public places so long as he/she does not engage in criminal activity. Factors such as the person's race, sex, sexual orientation, gender, gender identity, gender presentation, age, dress, unusual or disheveled or impoverished appearance do not alone justify even a brief detention, a request for identification, or an order to move on, nor do general complaints from residents, merchants or others.
- B. **REASONABLE SUSPICION.** A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification.
- C. **LENGTH OF DETENTION.** A detention must be brief and limited to the amount of time reasonably necessary to conduct the investigation.
- D. **REQUESTS FOR IDENTIFICATION.** The refusal or failure of a person to identify himself or herself or to produce identification upon request of a police officer cannot be the sole cause for arrest or detention, except where the driver of a motor vehicle refuses to produce a driver license upon the request of an officer enforcing the Vehicle Code or the Traffic Code. Except in the case of a driver of a motor vehicle, a person's refusal or failure to produce identification is not unlawful, and an officer may not threaten a person with arrest solely for his or her refusal to identify himself or herself.
- E. **ORDERS TO MOVE ON.** Officers do not have the authority to order persons to "move on" absent probable cause to believe an offense has occurred, or absent articulable facts requiring movement for public safety. Also see DGO 5.07, Rights of Onlookers.
- F. **WARRANT CHECKS (POLICY).** See DGO 6.18, Warrant Arrests.

II. PROCEDURES

A. CERTIFICATE OF RELEASE/INCIDENT REPORT/DUTIES OF DETAINING OFFICER

1. BRIEF DETENTIONS. If you briefly detain a person where you stop him/her, or move a person a short distance for safety, convenience or privacy, the person is not considered arrested or taken into custody. When releasing the person, you need not issue a Certificate of Release or prepare an incident report.
2. PROLONGED DETENTIONS. If, however, you release a person after he/she has been moved a substantial distance or has been detained a significant length of time, you must issue the person a Certificate of Release and prepare an incident report justifying the movement or the length of detention. Title the incident report "Investigative Detention," list the person as "D" detained, and include the reasons the subject was detained such a long time or why he/she was moved.
3. PHYSICAL RESTRAINT. If you take the detained person to a police facility or physically restrained the person, issue a Certificate of Release.
4. UNDER THE INFLUENCE. If you arrest a person solely for being under the influence of a narcotic, drug or restricted dangerous drug and take him/her to a facility or hospital for treatment and no further proceedings are desirable, issue the person a Certificate of Release.
5. QUESTIONABLE SITUATIONS. If there is doubt as to whether you should issue a Certificate of Release, always resolve the doubt by issuing the form.
6. FORM PREPARATION AND FILING. Complete the Certificate of Release form in duplicate. Give the original to the person being released and forward a copy to the Records Section, Room 475, Hall of Justice.

References

Penal Code Section 849(b)

DATE	CASE NUMBER	OFFICER USING FORCE NAME & STAR #	REVIEWING SUPERVISOR NAME & STAR #	PHYSICAL CONTROL	STRIKE BY FIST OR OBJECT	CHEMICAL AGENT/MAZE/O.C.	BATON/STRIKE OR JAB	AROTID RESTRAINT	WEAPON	SUSPECT INJURED	SUSPECT COMPLAINT OF INJURY	OFFICER INJURED DURING USE OF PORTABLE FORCE	
12/28	[REDACTED]	KASPER # 68	DOSS # 1566	✓						Yes No Unk	Yes No	Yes No	COMPLAINT OF PAIN TO WRIST.
										Yes No Unk	Yes No	Yes No	
										Yes No Unk	Yes No	Yes No	
										Yes No Unk	Yes No	Yes No	
										Yes No Unk	Yes No	Yes No	
										Yes No Unk	Yes No	Yes No	

Daniel L. O'Leary
Lieutenant SFPD/1892
(SIGNATURE)

UNIT Co I

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

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch 1117) I hereby certify that the taking into custody of [redacted] on 12-28-06 at 2221 hours

Subject's name

by the SFPD was a detention only, not an arrest.
[redacted] was released on 12-28-06 at 2250 hours

Subject's name

by the SFPD pursuant to the provision of:
Releasing Agency

Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of subdivision (b) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name J. PORTA Title Q2 Unit 311E

Officer's Signature [redacted] Star 209

Releasing Officer Superior [redacted]

REPORTEE FOLLOW-UP 628

Case Number: [REDACTED]

Case numbers are assigned to an investigator based on facts obtained during the initial investigation.


If you want more information about the above case number, or if you have additional information that may assist the investigation, please call the number checked below between 9 a.m. and 5 p.m.

- | | | |
|--------------------------|------------------------------------|----------|
| <input type="checkbox"/> | Accident Records | 553-1286 |
| <input type="checkbox"/> | Auto | 553-1261 |
| <input type="checkbox"/> | Burglary | 553-1351 |
| <input type="checkbox"/> | Domestic Violence | 553-9225 |
| <input type="checkbox"/> | Fraud | 553-1521 |
| <input type="checkbox"/> | Fencing | 553-1392 |
| <input type="checkbox"/> | General Work | 553-1141 |
| <input type="checkbox"/> | Hit and Run | 553-1641 |
| <input type="checkbox"/> | Homicide | 553-1145 |
| <input type="checkbox"/> | Robbery | 553-1201 |
| <input type="checkbox"/> | Sex Crimes | 553-1361 |
| <input type="checkbox"/> | Juvenile | 558-5500 |
| <input type="checkbox"/> | Missing Person | 558-5508 |
| <input type="checkbox"/> | Special Investigations/Hate Crimes | 553-1133 |
| <input type="checkbox"/> | Night Investigations | 553-9210 |
| <input type="checkbox"/> | Lost and Found | 553-9063 |
| <input type="checkbox"/> | Violent Crime Task Force | 553-1401 |

559

Officer's Name and Star No. SFPD105 (rev.06/03)

A copy of your request has been sent to Mt Zion. You will be getting another envelope from them.


UCSF ROI



Kevin Allen
Director

RECEIVED MAR 12 2007

0423

AUTHORIZATION FOR DISCLOSURE AND USE OF PROTECTED HEALTH INFORMATION TO AND BY THE OFFICE OF CITIZEN COMPLAINTS

EXPLANATION: This Authorization is necessary for the Office of Citizen Complaints ("OCC") and the health care provider(s) or other persons having custody of protected health information about you to comply with California and federal laws pertaining to the privacy, disclosure and use of protected health information. This Authorization is necessary for the health care provider(s) or other persons listed below to disclose your health information to the OCC, and for the OCC to use your health information. Please provide all requested information. FAILURE TO PROVIDE ALL REQUESTED INFORMATION MAY INVALIDATE THIS AUTHORIZATION AND PREVENT YOUR HEALTH CARE PROVIDER OR OTHER PERSONS HAVING CUSTODY OF PROTECTED HEALTH INFORMATION ABOUT YOU FROM ACTING ON THIS AUTHORIZATION.

Name of Patient: [REDACTED]

Date of Birth: [REDACTED]

Other names (a.k.a.) _____

[REDACTED]

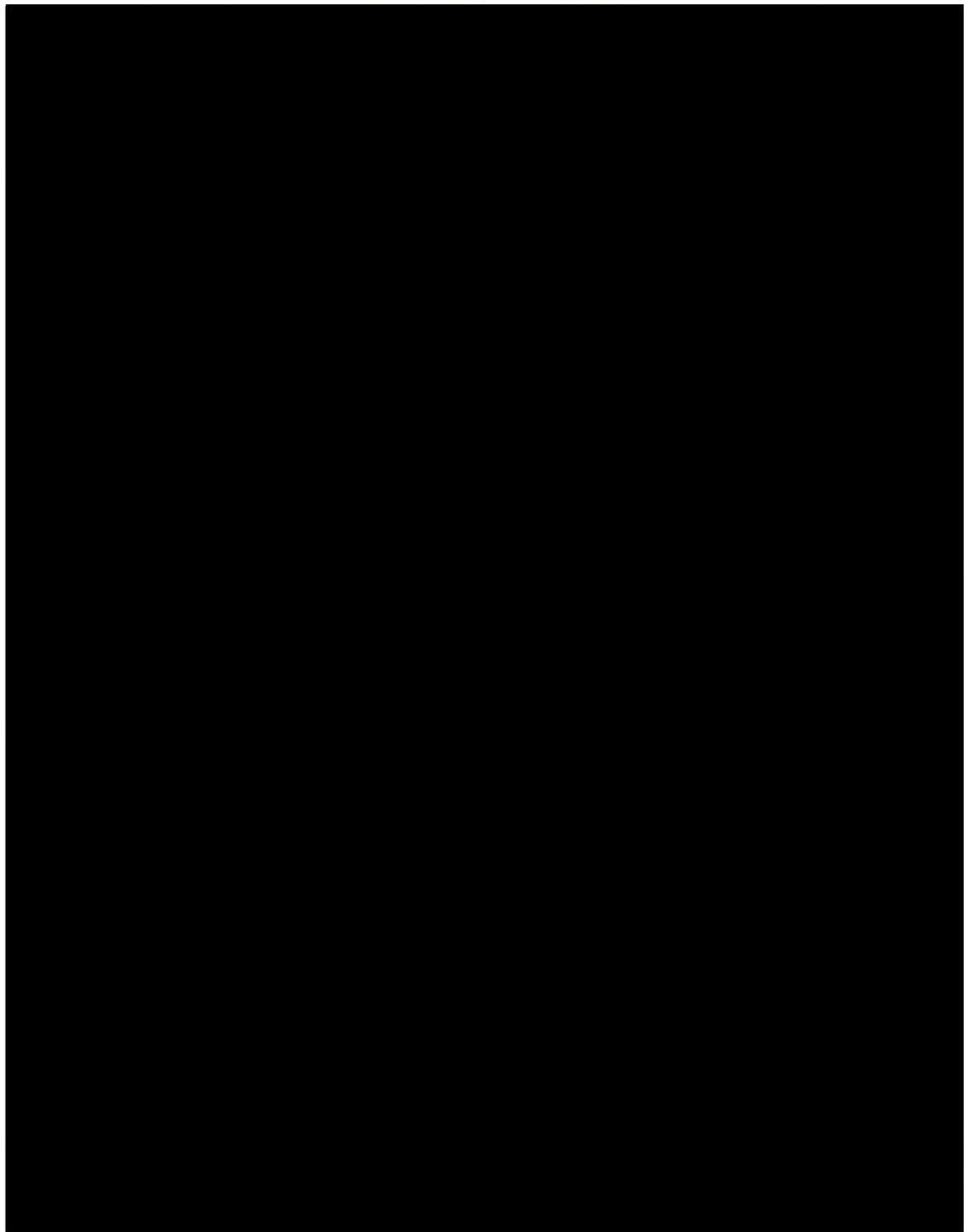
Address: [REDACTED]

Telephone [REDACTED]

1. PERSONS AUTHORIZED TO DISCLOSE PROTECTED HEALTH INFORMATION.

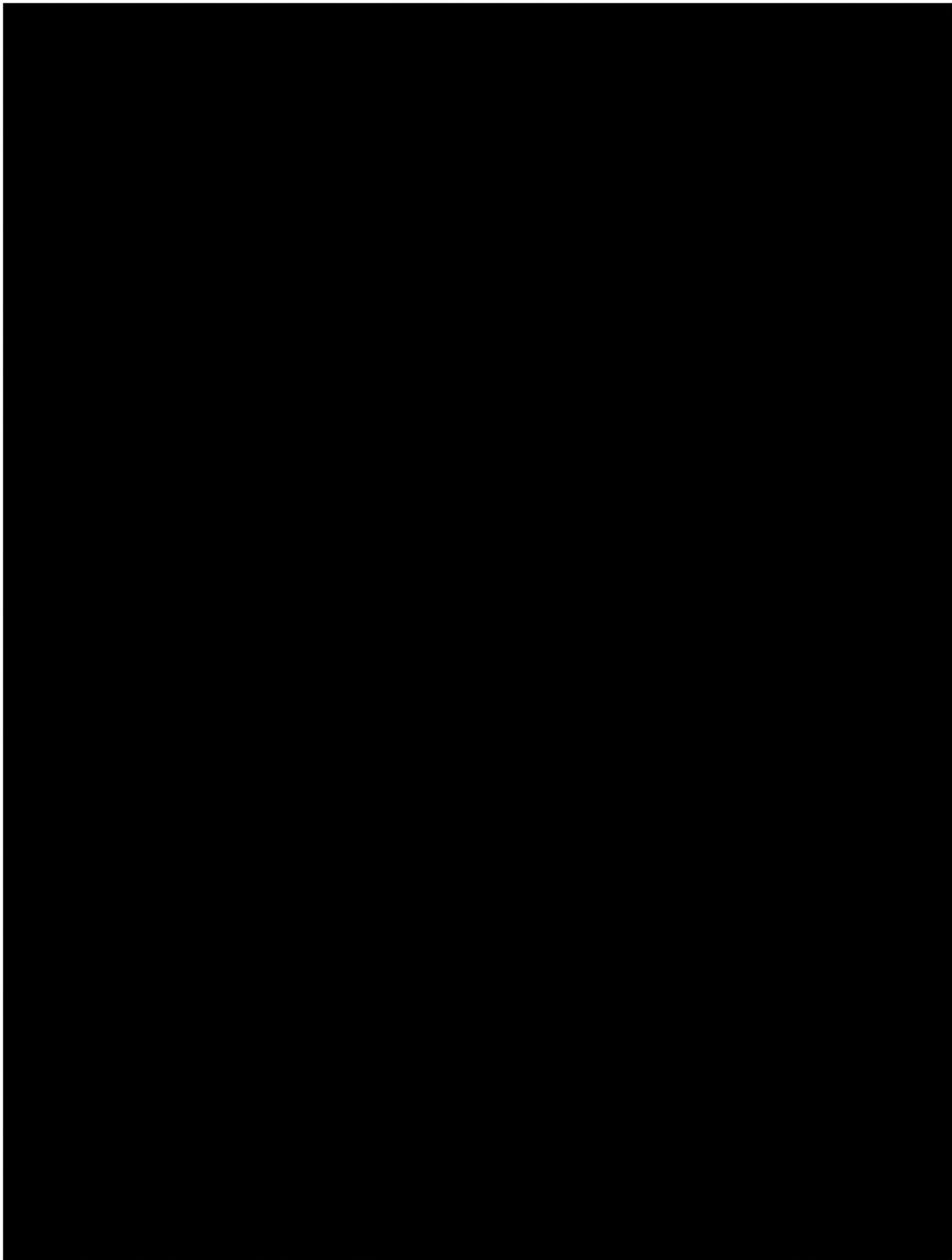
I authorize the following health care provider(s), person(s) or class of persons to disclose health information about me as described in section 2, below: Jail Medical Records/SFSD, Alameda Medical Ctr/Highland Hos p., UCSF Mt. Zion Medical Ctr., UCSF Medical Ctr, and Allen Peanar, M.S.T.
(Print the name or names of health care providers and persons or class(es) of persons authorized to disclose health care information about you to OCC. These may include physicians, hospitals, clinics, paramedics, departments of the City and County of San Francisco, e.g., S.F.F.D. or Department of Public Health, or other persons or entities having custody of health information about you. Please be as specific as possible.)

UCSF MEDICAL CENTER





UCSF MEDICAL CENTER



98 UCSF MEDICAL CENTER
Health Information Management Services
Release of Information Unit, Box 0308
185 Berry Street, Lobby One, Suite 2000
San Francisco, CA 94143-0308



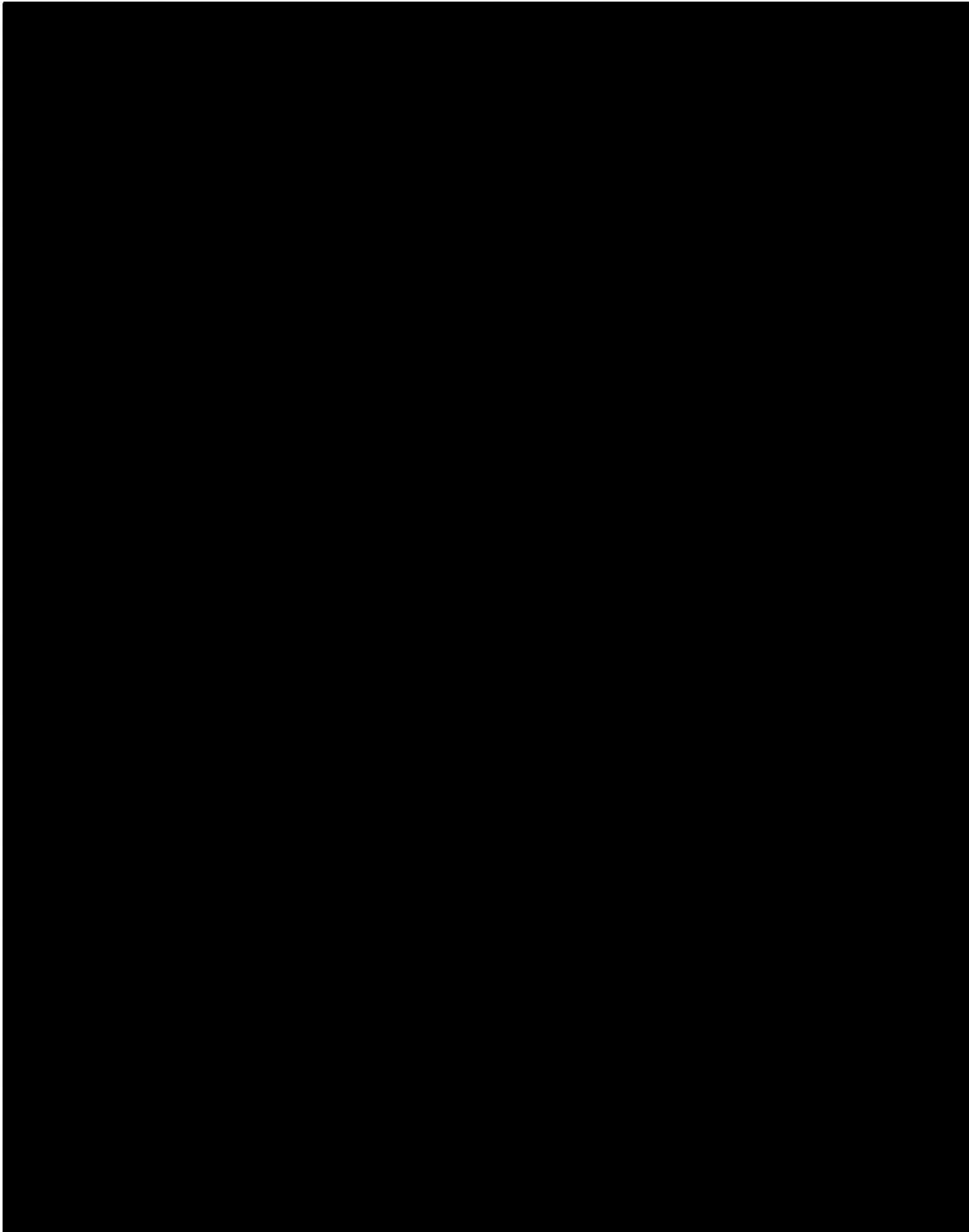
2007 APR 10 P 2:33

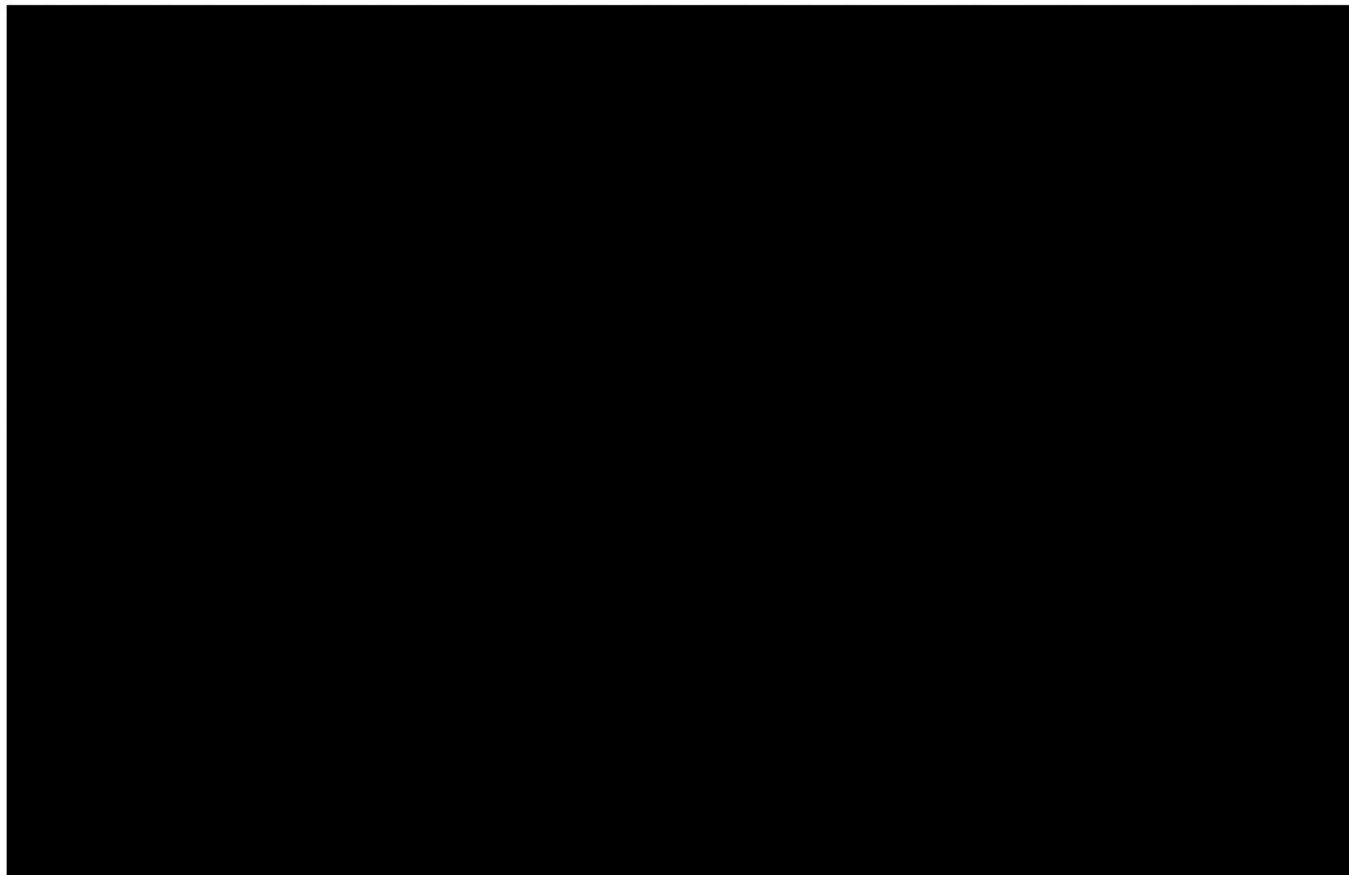
The Police Commission 946x
480 Second St, Ste 100
San Francisco, CA 94107

CXJETMP 94107

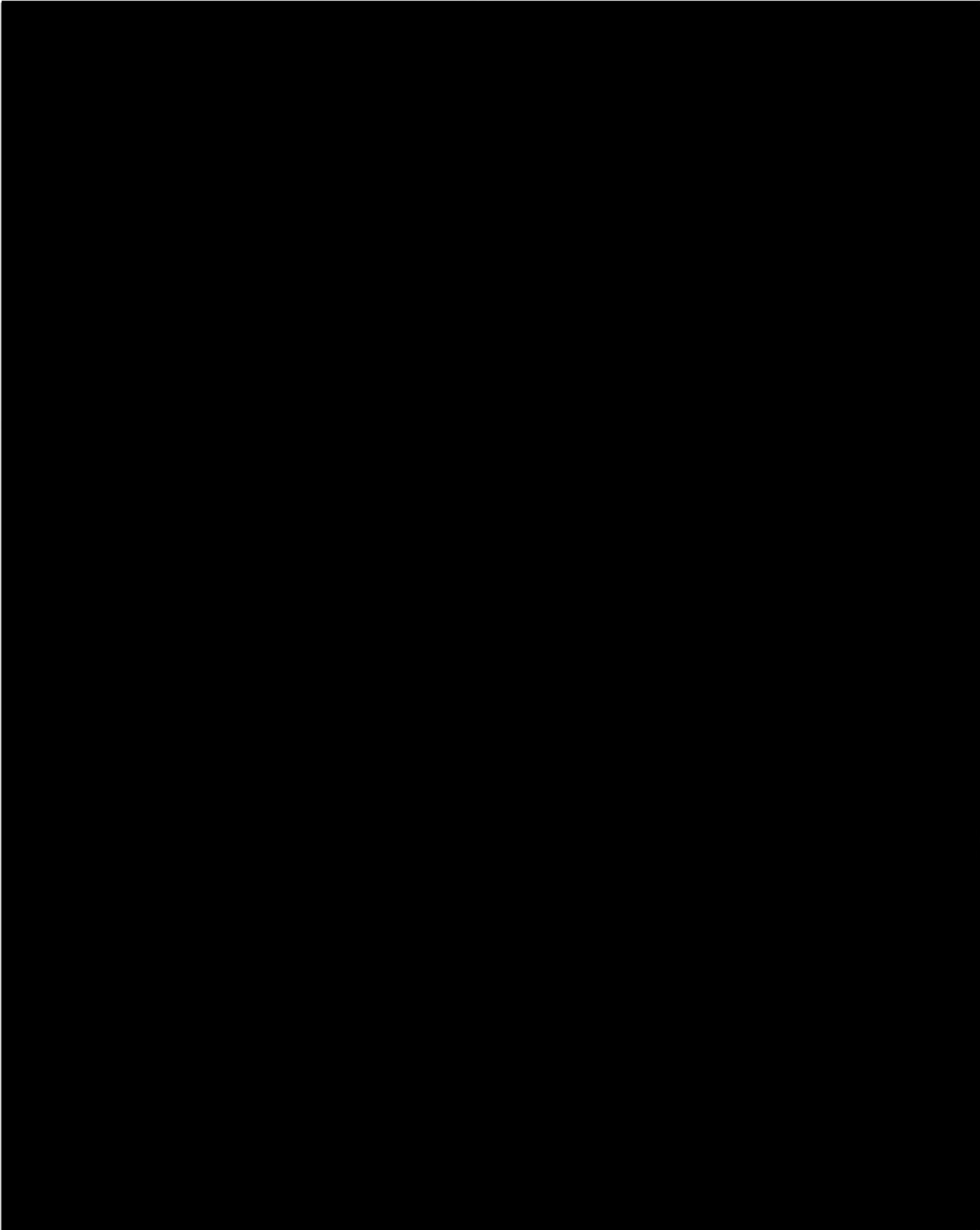
SEDPA 0006-07-000035

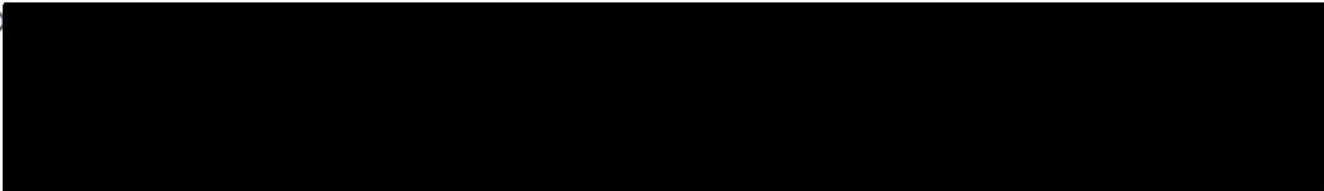
UCSF MEDICAL CENTER





UCSF MEDICAL CENTER





UCSF/MOUNT ZION MEDICAL CENTER



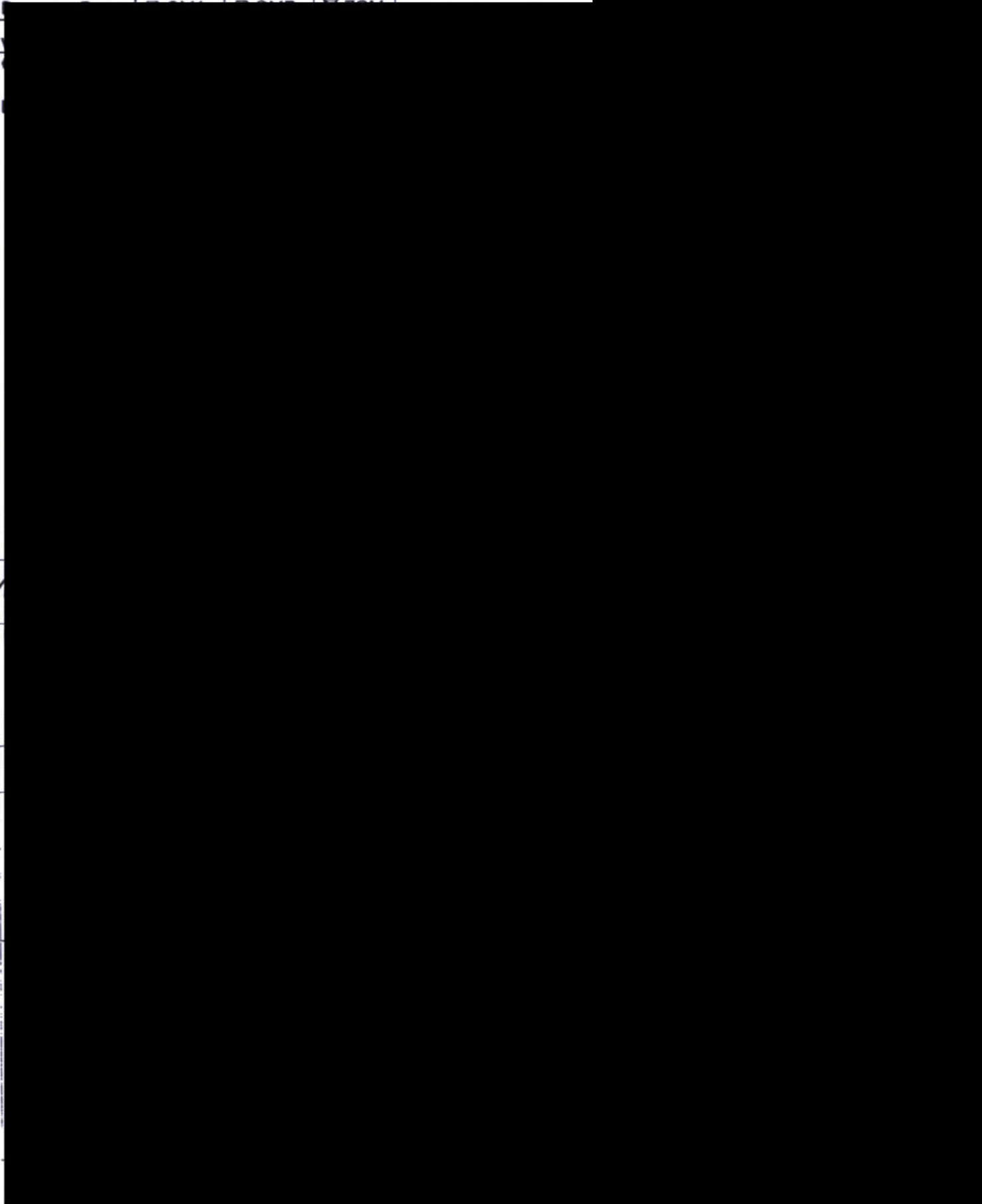
PATIENT PAIN SCREENING RECORD

A large, solid black rectangular redaction covers the majority of the page, obscuring all patient information, screening questions, and answers. Only the header and footer text are visible.



**Division of General Internal Medicine
Department of Medicine**

AMBULATORY VISIT PROGRESS NOTE



[REDACTED]

15 pgs 000219
*****AUTO** 3-DIGIT 941
00000219 03 AT 0.770
ATTN: KAROL HEPPE
CITY AND CO POLICE COMMISSION
480 2ND ST STE 100
SAN FRANCISCO CA 94107-1429



ATTENTION
Confidential information enclosed.
To be viewed by authorized persons only.

If you have questions regarding these records or any other information
you have requested from SDS, please call the phone
number on the attached invoice

The enclosed health information was reproduced by SDS, a health information outsourcing service. Your health care facility contracts with SDS to process authorized copies of medical records.

The reproductions have been made from the medical facility's original records. The confidentiality of these records is protected by federal and state laws and regulations, including the Health Insurance Portability and Accountability Act (HIPAA).

If you requested items that are not maintained in the medical record, your request for those items was forwarded to the appropriate department and will be sent under separate cover.

Some medical records contain sensitive information that cannot be released without specific patient authorization. If you need this information, please provide such authorization. If the patient has questions about the need for specific authorization, he/she must contact the medical records department of the facility.

Since this facility has chosen to outsource its medical records reproduction function, SDS serves at the facility's instruction. Future requests for medical records must continue to be directed to the facility.

Smart Document Solutions (SDS)

P.O. Box 409822
Atlanta, GA 30384-9822
Fed Tax ID 58 - 2659941
(770) 754 - 6000

Date
4/10/2007
Request ID #
0039546858

Ship to:

KAROL HEPPE
CITY AND CO POLICE COMMISSION
480 SECOND ST
STE 100
SAN FRANCISCO, CA 94107

Requested By: CITY AND CO POLICE COMMISSION

Patient Name: [REDACTED]

DOB:

Records from:

UCSF MEDICAL CENTER MT ZION
ATTN SHEREE GARCIA
185 BERRY STREET SUITE 2000
SAN FRANCISCO, CA 94107

This is NOT a bill !

SDS
P.O. Box 1813
Alpharetta, GA 30023-1812
Attn: Marketing

SDS processes thousands of requests for health information at over 6,500 health care facilities nationwide. If you would like to learn more about SDS or how our services can benefit your facility, please visit our website at: www.sdshealth.com or email us at: marketing@sdshealth.com

Your Name _____

Title _____

Facility Name _____

Phone Number (____) _____

Address _____

City _____ State ____ Zip _____

of Physicians _____ Specialty _____

of Beds _____ # of Admits _____



CITY & COUNTY OF SAN FRANCISCO
POLICE COMMISSION

KAROL V. HEPPE
INVESTIGATOR

OFFICE OF CITIZEN COMPLAINTS
480 SECOND STREET, SUITE 100
SAN FRANCISCO, CA 94107

TEL: (415) 597-7711
FAX: (415) 597-7733
TTY: (415) 597-6770
karol.heppe@sfgov.org
<http://www.sfgov.org/occ>

↑
SEND

YF

4072655-1
OCC # 0006-07

RECEIVED MAR 1 '6



Kevin Allen
Director

AUTHORIZATION FOR DISCLOSURE AND USE OF PROTECTED HEALTH INFORMATION TO AND BY THE OFFICE OF CITIZEN COMPLAINTS

EXPLANATION: This Authorization is necessary for the Office of Citizen Complaints ("OCC") and the health care provider(s) or other persons having custody of protected health information about you to comply with California and federal laws pertaining to the privacy, disclosure and use of protected health information. This Authorization is necessary for the health care provider(s) or other persons listed below to disclose your health information to the OCC, and for the OCC to use your health information. Please provide all requested information. **FAILURE TO PROVIDE ALL REQUESTED INFORMATION MAY INVALIDATE THIS AUTHORIZATION AND PREVENT YOUR HEALTH CARE PROVIDER OR OTHER PERSONS HAVING CUSTODY OF PROTECTED HEALTH**



1. PERSONS AUTHORIZED TO DISCLOSE PROTECTED HEALTH INFORMATION.

I authorize the following health care provider(s), person(s) or class of persons to disclose health information about me as described in section 2, below:

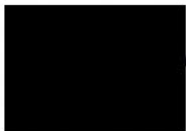


(Print the name or names of health care providers and persons or class(es) of persons authorized to disclose health care information about you to OCC. These may include physicians, hospitals, clinics, paramedics, departments of the City and County of San Francisco, e.g., S.F.F.D. or Department of Public Health, or other persons or entities having custody of health information about you. Please be as specific as possible.)

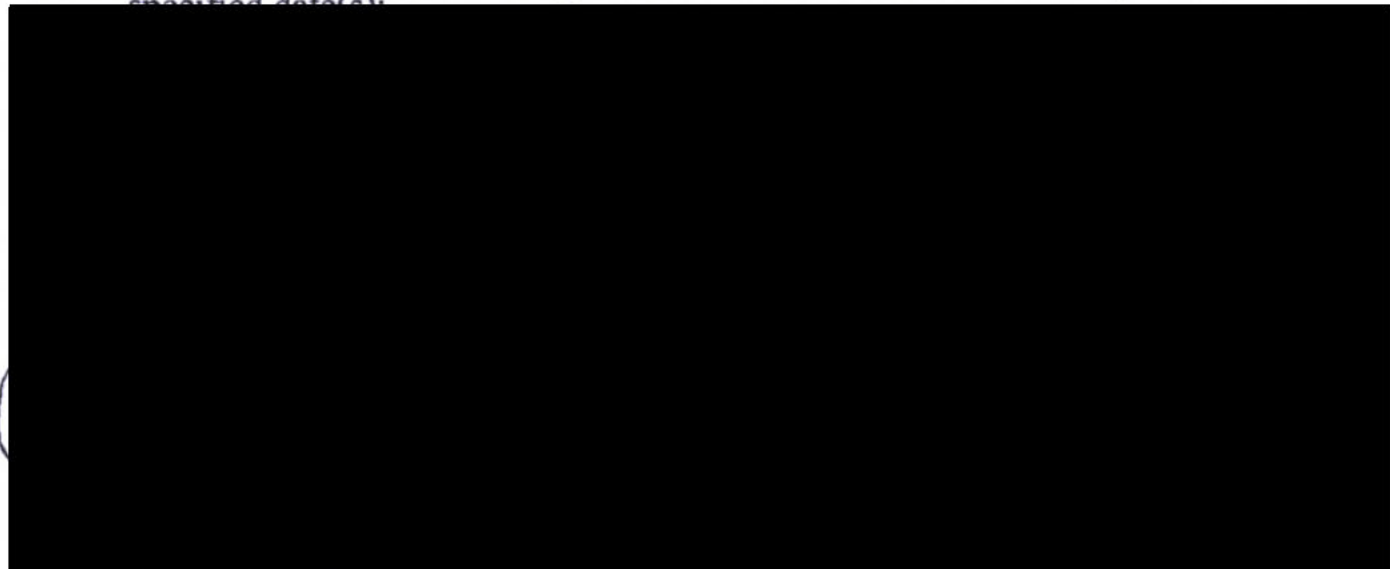
THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

2. **DESCRIPTION OF INFORMATION.** This Authorization permits the use and disclosure of information as described in this Section 2, below. By checking the boxes below, I specifically authorize the release of the records and information described, if such records and information exist. The use and/or disclosure of records and information shall be limited to the types of information, types of treatment and/or dates of treatment I authorize, as indicated by checking the appropriate box(es) below. Authorization to disclose and/or use protected classes of information regarding mental health treatment, substance abuse treatment, HIV/AIDS tests or treatment, developmental disabilities and sexually transmitted disease require that I initial the appropriate space as indicated. California law requires that recipients of my health information refrain from redisclosing such information except with my written authorization or as specifically required by law.

(Check all applicable boxes and initial selection)

 All of my health information pertaining to any medical history, physical condition and treatment received. Except (optional) _____

Or, only the following records or types of health information and or only on the specified date(s):



Initial below for approval to disclose protected classes of information:



I understand that the information I authorize to be disclosed and/or used may also include any medical history, physical or mental condition, services rendered and/or treatment received.

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

3. **AUTHORIZED USERS AND RECIPIENTS.** I hereby authorize the Office of Citizen Complaints, 480 Second St., San Francisco, CA 94107, and its employees and agents, to receive and use the health information checked in Section 2, above.

I hereby authorize the health care provider(s) or other person(s) identified in Section 1, above, to be interviewed by the Office of Citizen Complaints regarding the medical treatment provided for the dates and/or specific conditions described in Section 2, above (*initial one*):



_____ No

4. **PURPOSE.** I hereby authorize the use of health information checked in Section 2, above, for all official purposes of the Office of Citizen Complaints, including the investigation of citizen complaints against members of the San Francisco Police Department and potential disciplinary action in connection therewith. Send records to: Office of Citizen Complaints, 480 Second St., San Francisco, CA 94107.

5. **MY RIGHTS; REVOCATION.** I understand that authorizing the disclosure and use of health information about me is voluntary. I may refuse to sign this Authorization. I may revoke this Authorization at any time. Revocation of this Authorization must be in writing, signed by me or on my behalf by someone with the legal authority to do so, and delivered to the person(s) authorized to disclose health information about me as set forth in Section 1, above. My revocation will be effective upon receipt, but will not be effective to the extent the person(s) set forth in Section 1 acted in reliance upon this Authorization prior to my revocation. I have a right to obtain a copy of this Authorization. I may not be denied treatment, payment, enrollment in a health plan or eligibility for benefits if I refuse to sign this Authorization.

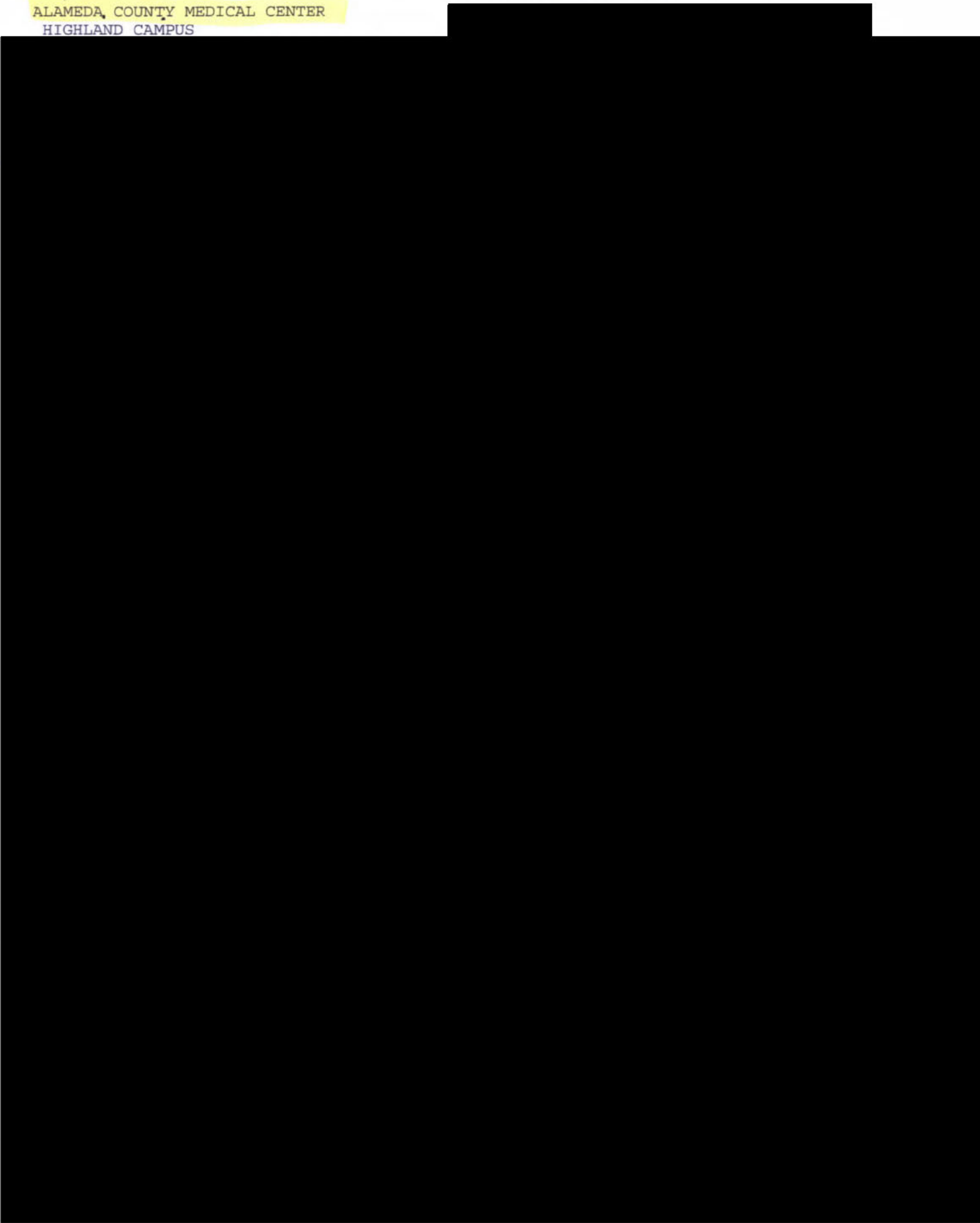
6. **EXPIRATION.** Unless otherwise revoked, this Authorization will expire one (1) year from the date of execution unless a different end date or event is specified in Section 7, below, OR immediately upon the fulfillment of OCC's request for protected classes of information initialed in Section 2, above.

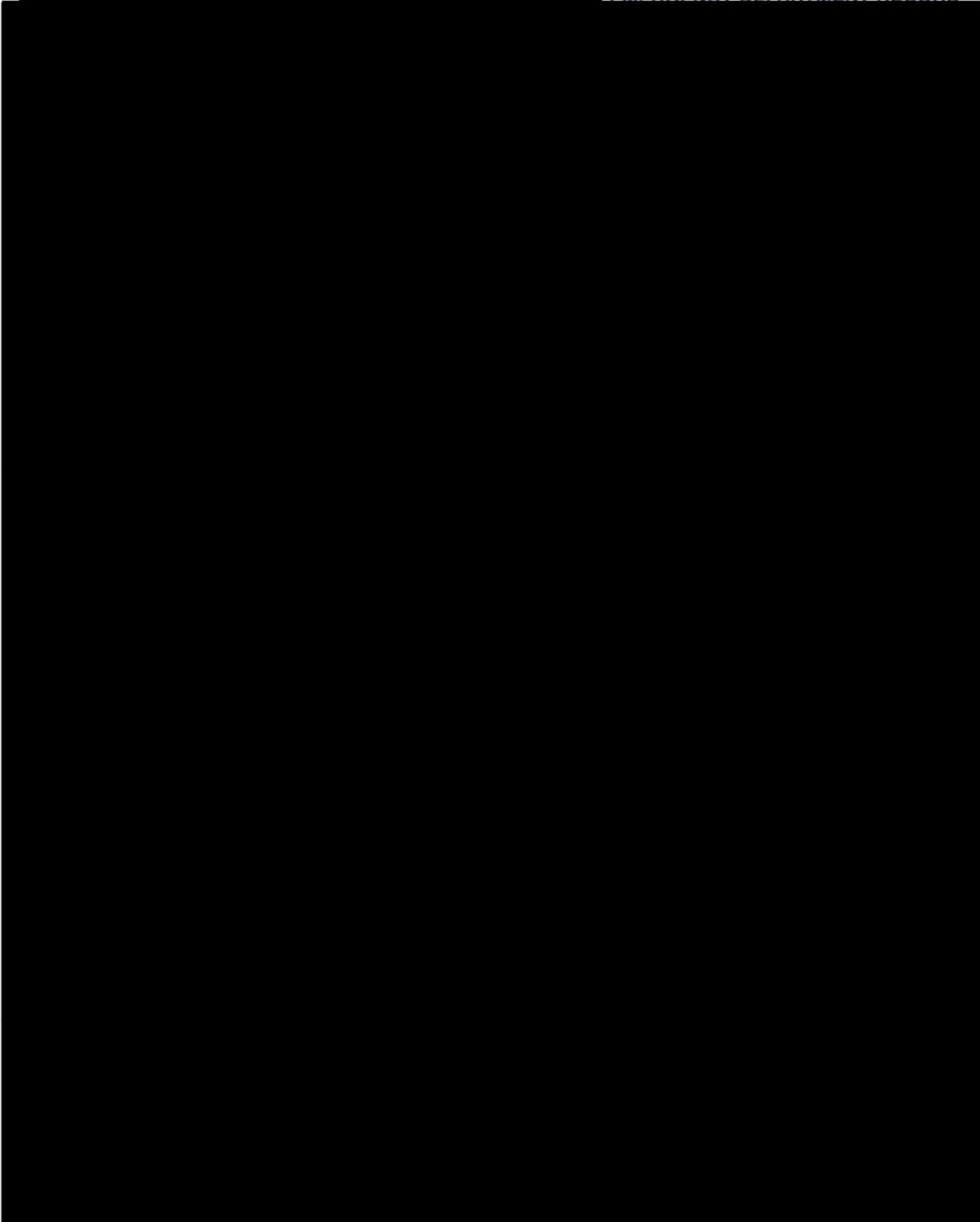


Witness (required if Patient unable to sign)

Interpreter used: _____ Yes _____ No

ALAMEDA COUNTY MEDICAL CENTER
HIGHLAND CAMPUS





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[Redacted]

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TRiage CHART



Highland Hospital
1411 E. 31st St
OAKLAND, CA 94602



TELEPHONE: 510-437-4466

THE POLICE COMMISSION OFFICE OF CITIZEN COMPLAINT
480- SECOND STREET
SUITE 100
SAN FRANCISCO, CA 94107

RE: REQUEST No. 0012-AC-910927



Dear Requestor,

Enclosed are copies of the medical records you requested from HIGHLAND HOSPITAL. This request has been processed by iod incorporated. We have been contracted by the facility to process requests for release of information. Please feel free to contact us with any questions regarding this request.

Sincerely,

Release of Information
Health Information Management Department

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer Kevin Healy #579,

RE: OCC CASE No. 0006-07

FROM: Karol Heppe, Investigator

COMPLAINANT: [REDACTED]

DATE: June 8, 2007,

DATE OF OCCURRENCE: December 28, 2006

RESPONSE DUE DATE: July 1, 2007,

INCIDENT 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)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Do you recall this incident? If you do not recall, please obtain documentation that will help refresh your recollection and answer the following questions.

1. The complainant Mr. [REDACTED] said that when you first approached him he tried to engage you in conversation, stating, "Good evening officers," and that you immediately began to bark orders at him, like, "Put the flashlight down! Turn around! Put your hands on the car!" If this is an accurate reflection of the initial contact, please explain why you didn't first engage Mr. [REDACTED] in conversation before commanding him to take certain actions?
2. Mr. [REDACTED] said that during your initial contact with him he was told that he was "Under Arrest." If he was told this, what probable cause did you have to do so?
3. According to the incident report, Mr. [REDACTED] did not immediately respond to orders so he was grabbed by his hands and handcuffed. Why did you react so quickly to the use of physical control of Mr. [REDACTED]?
4. Why was Mr. [REDACTED] handcuffed?
5. Mr. [REDACTED] said he repeatedly asked you why he was being detained and you did not respond. Please explain why you did not immediately explain to Mr. [REDACTED] the nature of your contact with him.
6. Mr. [REDACTED] said that when he was searched his keys and wallet were removed from his pockets. If these items were removed from Mr. [REDACTED] pockets please explain the justification for doing so.
7. Mr. [REDACTED] said that after being handcuffed he complained that the handcuffs were causing pain to his wrists and that in response Officer Jon Kasper #68 grabbed his arms, pulled them upward in a pain inflicting manner. Did you observed Officer Kasper do this?
If so, can you explain why Officer Kasper did this?
8. The incident report documents that the handcuffs were not double lock at the time they were placed on Mr. [REDACTED] but later after he was on the ground. Please explain why the handcuffs were not double lock at the time they were placed on Mr. [REDACTED]
9. [REDACTED]
10. Mr. [REDACTED] said he tried to obtain information from you about why he was being detained and Officer Kasper told him to, "Shut up." Did you hear Officer Kasper tell Mr. [REDACTED] to, "Shut up"?
If so, can you explain why he may have done so?

11. According to the incident report Officer Kasper "tapped" Mr. [REDACTED] left foot with his right foot. Mr. [REDACTED] said Officer Kasper kicked him. If you observed the "tap" please answer the following:
- a. How much force and pressure were behind the "tap."
 - b. What justification did Officer Kasper have for using this physical tactic?
 - c. Did Mr. [REDACTED] display any signs that the "tap" caused him pain?
If yes, please explain.

12. [REDACTED]

13. [REDACTED]

14. Why was Mr. [REDACTED] not unhandcuffed immediately upon learning that he lived adjacent to the location of the detention?

15. [REDACTED]

16. [REDACTED]

Are there any witnesses to this incident? If so, please 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: Copy Complaint and Incident Report [REDACTED]

MEMBER'S SIGNATURE: _____ DATE: _____

OCC Case No. 0006-07
Officer Kevin Healy

- 1) It is not an accurate reflection of the initial contact.
- 2) He was not.
- 3) I did not react quickly to the use of physical control.
- 4) Because he was not complying with our directives, because he picked up the flashlight again, because he was wearing a large puffy jacket which could conceal weapons, and because he matched the description of the person who had "broke into veh".
- 5) We did.
- 6) I don't remember if they were.
- 7) No.
- 8) Because he was resisting

[REDACTED]

- 10) No
- 11) I did not observe the "tap".

[REDACTED]

- 14) Where he lived was irrelevant to the suspected crime.

[REDACTED]

- I don't know
- No
- None

• Officer Kevin Healy

[REDACTED]

#579

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer Joseph Porta #209,

RE: OCC CASE No. 0006-07

FROM: Karol Heppe, Investigator

COMPLAINANT: [REDACTED]

DATE: June 8, 2007,

DATE OF OCCURRENCE: December 28, 2006

RESPONSE DUE DATE: July 1, 2007,

INCIDENT 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)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Do you recall this incident? If you do not recall, please obtain documentation that will help refresh your recollection and answer the following questions.

1. According to the incident documentation, you responded to the scene of this incident. Please explain what was going on when you arrived at the location.
2. According to the incident report, Mr. [REDACTED] did not immediately respond to officer's orders so officers grabbed his hands and handcuffed him. Did you at any time observe Mr. [REDACTED] resist officers?
If yes, please explain what you observed.
3. Mr. [REDACTED] said he repeatedly asked why he was being detained. Did you hear Mr. [REDACTED] make such a query and if so, did you hear anyone explain to him the nature of the detention?
If yes, please explain what you heard.
4. Mr. [REDACTED] said that when he was searched his keys and wallet were removed from his pockets. Did you observe an officer remove the above items from Mr. [REDACTED] pockets?
 - a. If yes, please identify the officer who did so.
 - b. What is your training regarding the removal of items from inside a person's pockets during a pat search pursuant to a detention?
5. Mr. [REDACTED] said that after being handcuffed he complained that the handcuffs were causing pain to his wrists and in response Officer Jon Kasper #68 grabbed his arms, pulled them upward in a pain inflicting manner. Did you observed Officer Kasper do this?
If so, please explain what you observed.
6. The incident report documents that the handcuffs were not double lock at the time they were placed on Mr. [REDACTED] but later after he was on the ground. Please answer the following:
 - a. What is your training regarding when handcuffs should be double locked?
 - b. Did you observe any conduct by Mr. [REDACTED] and prevented officers from double locking the handcuffs sooner?
If yes, please explain.
7. [REDACTED]
8. Mr. [REDACTED] said he tried to obtain information about why he was being detained and Officer Kasper told him to, "Shut up." Did you hear Officer Kasper tell Mr. [REDACTED] to, "Shut up"?
If so, can you explain why he did so?

9. According to the incident report, Officer Kasper "tapped" Mr. [REDACTED] left foot with his right foot. Mr. [REDACTED] said Officer Kasper kicked him. If you observed this conduct please answer the following:
- a. How much force and pressure were behind the "tap."
 - b. What justification did Officer Kasper have for using this physical tactic?
 - c. Did Mr. [REDACTED] display any signs that the "tap" caused him pain?
If yes, please explain.

10. [REDACTED]

11. [REDACTED]

12. Why was Mr. [REDACTED] not unhandcuffed immediately upon learning that he lived adjacent to the location of the detention?

13. [REDACTED]

Are there any witnesses to this incident? If so, please 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: Copy of Complaint and Incident Report [REDACTED]

MEMBER'S SIGNATURE: [REDACTED]

DATE: 6-27-07

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OCC Case 0006-07
Member response questions
Officer [REDACTED]

1. Mr. [REDACTED] was already detained and the Officers on scene were in the process of identifying Mr. [REDACTED]
2. No
3. No
4. No
5. No
6. a. We are trained to double lock handcuffs as soon as it is safe to do so.
b. Yes, When I arrived on scene Mr. [REDACTED] was completely uncooperative with the officers, he was yelling, violent, and verbally abusive toward all officers. I even heard Mr. [REDACTED] say, "If these cuffs were not on me I could kick anyone of your ass."
Due to Mr. [REDACTED] non-compliant behavior it may not have been safe to double lock the handcuffs

8. No
9. I didn't observe any of this

12. Mr. [REDACTED] was a suspect in vehicle theft/auto boost. He was suspect in this until the proper DMV paperwork was provided. This has nothing to due with where he lives.

There are no witnesses that I am aware of
No, I don't believe an oral interview would aid in this investigation.

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AT OCC
2007 JUN 27 P 2:35

2007 JUN 27 A 6:38

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OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

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AT OCC



OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM

2007 JUL 29 P 2:56

TO: Officer Jon Kasper #68,

RE: OCC CASE No. 0006-07

FROM: Karol Hepe, Investigator

COMPLAINANT: [REDACTED]

DATE: June 8, 2007,

DATE OF OCCURRENCE: December 28, 2006

RESPONSE DUE DATE: July 1, 2007,

INCIDENT 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.

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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)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Do you recall this incident? If you do not recall, please obtain documentation that will help refresh your recollection and answer the following questions.

1. The complainant Mr. [REDACTED] said that when you first approached him he tried to engage you in conversation, stating, "Good evening officers," and that you immediately began to bark orders at him, like, "Put the flashlight down! Turn around! Put your hands on the car!" If this is an accurate reflection of the initial contact, please explain why you didn't first engage Mr. [REDACTED] in conversation before commanding him to take certain actions?
2. Mr. [REDACTED] said that during your initial contact with him you told him he was "Under Arrest." If you said this, what probable cause did you have to do so?
3. According to the incident report Mr. [REDACTED] did not immediately respond to your orders so you grabbed his hand and proceeded to handcuff him. Why did you react so quickly to the use of physical control of Mr. [REDACTED]?
4. Why did you handcuff Mr. [REDACTED]?
5. Mr. [REDACTED] said he repeatedly asked you why he was being detained and you did not respond. Please explain why you did not immediately explain to Mr. [REDACTED] the nature of your contact with him.
6. Mr. [REDACTED] said that when you searched him you removed his keys and wallet from his pockets. If these items were removed from Mr. [REDACTED] pockets please explain your justification for doing so.
7. Mr. [REDACTED] said that after being handcuffed he complained that the handcuffs were causing pain to his wrists and that in response you grabbed his arms, pulled them upward in a pain inflicting manner. If you did this, please explain your rationale for doing so.
8. The incident report documents that you did not double lock the handcuffs at the time you placed them on Mr. [REDACTED] but did so later. Please explain why you did not double lock the handcuffs at the time you placed them on Mr. [REDACTED]
9. [REDACTED]
10. Mr. [REDACTED] said he tried to obtain information from you about why he was being detained and you responded by telling him to, "Shut up." If you said this please explain your justification for doing so.

Officer Kasper

- 11. According to the incident report you, "tapped [redacted] left foot with my right foot." Mr. [redacted] said you kicked him. Please answer the following:
 - a. How much force and pressure did you was used in your "tap."
 - b. What was your justification was for using this physical tactic?
 - c. Was the force of the tap intended to cause pain?

12. [redacted]

13. [redacted]

- 14. Why was Mr. [redacted] not unhandcuffed immediately upon learning that he lived adjacent to the location of the detention?

15. [redacted]

16. [redacted]

Are there any witnesses to this incident? If so please 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: Complaint / Incident Report [redacted]

MEMBER'S SIGNATURE: _____

DATE: 6/27/07

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 AT OCC
 JUN 29 P 2:56

Member Response to OCC Complaint 0006-07

- 1) That is not an accurate reflection of the initial contact
- 2) I did not say he was under arrest
- 3) I reacted to Mr. [REDACTED] lack of compliance. My reaction was not necessarily quick, but I believe it was appropriate based on Mr. [REDACTED] lack of compliance.
- 4) For officer safety because he was not complying with our orders.
- 5) We did explain to [REDACTED] after he was handcuffed an under control.
- 6) Mr. [REDACTED] was handcuffed and told us that the vehicle was his and he had the registration and keys to the vehicle. We were trying to see if he did have the keys and registration.
- 7) I did not do that.
- 8) Mr. [REDACTED] was still not compliant, and we did not have total control over him.
- 9) [REDACTED]
- 10) I did not say that.
- 11) A) Minimal.
B) He would not spread his feet when he was told to so I could search him for weapons.
C) No
- 12) [REDACTED]
- 13) [REDACTED]

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AT OCC
JUN 29 P 5b

A) for registration of the vehicle

B) Yes

C) When I entered the house, I gave Mr. [REDACTED] my name and star number on a SFPD follow-up form.

14) We still did not have the registration to the vehicle and the investigation was not over.

15) [REDACTED]

16) [REDACTED]

I do not know of any other witnesses other than the person who called 911. I do not know if an oral interview would not help this investigation. I have nothing further to add.

Submitted,

Officer J. Kasper #68
[REDACTED]

2007 JUN 29 P 2:56
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OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Rec'd
6/29/07



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer Daniel Kroos #546,

RE: OCC CASE No. 0006-07

FROM: Karol Heppe, Investigator

COMPLAINANT: [REDACTED]

DATE: June 8, 2007,

DATE OF OCCURRENCE: December 28, 2006

RESPONSE DUE DATE: July 1, 2007,

INCIDENT 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.

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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)

2007 JUN 20 A 3:48

RECEIVED
TASK FORCE

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Do you recall this incident? If you do not recall, please obtain documentation that will help refresh your recollection and answer the following questions.

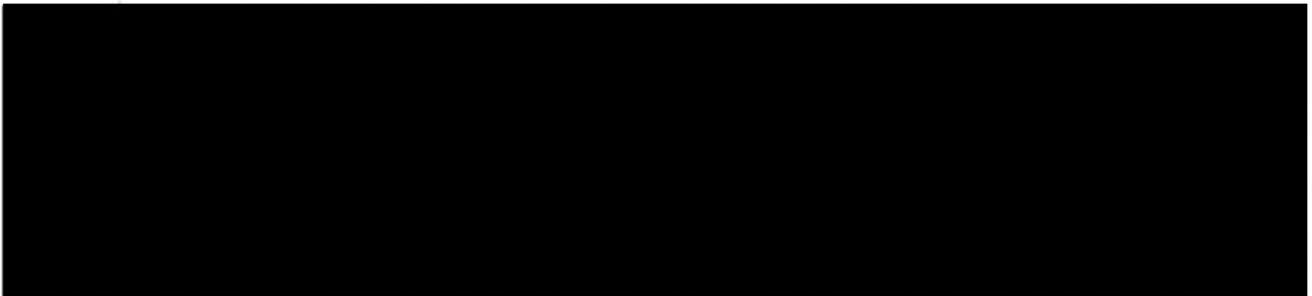
1. According to the incident documentation, you responded to the scene of this incident. Please explain what was going on when you arrived at the location.
2. According to the incident report, Mr. [REDACTED] did not immediately respond to officer's orders so officers grabbed his hands and handcuffed him. Did you at any time observe Mr. [REDACTED] resist officers?
If yes, please explain what you observed.
3. Mr. [REDACTED] said he repeatedly asked why he was being detained. Did you hear Mr. [REDACTED] make such a query and if so, did you hear anyone explain to him the nature of the detention?
If yes, please explain what you heard.
4. Mr. [REDACTED] said that when he was searched his keys and wallet were removed from his pockets. Did you observe an officer remove the above items from Mr. [REDACTED] pockets?
 - a. If yes, please identify the officer who did so.
 - b. What is your training regarding the removal of items from inside a person's pockets during a pat search pursuant to a detention?
5. Mr. [REDACTED] said that after being handcuffed he complained that the handcuffs were causing pain to his wrists and in response Officer Jon Kasper #68 grabbed his arms, pulled them upward in a pain inflicting manner. Did you observe Officer Kasper do this?
If so, please explain what you observed.
6. The incident report documents that the handcuffs were not double lock at the time they were placed on Mr. [REDACTED] but later after he was on the ground. Please answer the following:
 - a. What is your training regarding when handcuffs should be double locked?
 - b. Did you observe any conduct by Mr. [REDACTED] and prevented officers from double locking the handcuffs sooner?
If yes, please explain.
7. [REDACTED]
8. Mr. [REDACTED] said he tried to obtain information about why he was being detained and Officer Kasper told him to, "Shut up." Did you hear Officer Kasper tell Mr. [REDACTED] to, "Shut up"?
If so, can you explain why he did so?

9. According to the incident report, Officer Kasper "tapped" Mr. [REDACTED] left foot with his right foot. Mr. [REDACTED] said Officer Kasper kicked him. If you observed this conduct please answer the following:
- a. How much force and pressure were behind the "tap."
 - b. What justification did Officer Kasper have for using this physical tactic?
 - c. Did Mr. [REDACTED] display any signs that the "tap" caused him pain?
If yes, please explain.

10.



11.



12. Why was Mr. [REDACTED] not unhandcuffed immediately upon learning that he lived adjacent to the location of the detention?

13.



Are there any witnesses to this incident? If so, please 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: Copy Incident Report [REDACTED]

MEMBER'S SIGNATURE: [Handwritten Signature]

DATE: 6/20/07

OCC Member Response

To: Investigator Karol Heppe
From: Officer Kroos #546
Complainant: [REDACTED]

OCC Case: 0006-07
Case # [REDACTED]
06/15/07

1. My partner Officer Phillips #1697 and I responded as back up to a call of a unit with a subject resisting arrest. Officer Phillips and I were detailed that evening to the Taraval district and due to great distance between us and the unit at Judah/12th Ave. it took us quite a while to get there. Upon arrival, there was multiple units on scene. I could see the complainant in handcuffs with two officers on a driveway/small parking lot. The complainant was screaming about owning a car. The officers were talking to the complainant but I could not hear what they were saying. I remained in the street, approximately 30 feet away from the complainant. I did not approach the complainant or any other officers on scene other than Officer Phillips.
2. No, the complainant was already handcuffed upon my arrival.
3. I did not hear the complainant ask why he was being detained. I heard one officer check the registration of the car in question which according to DMV records belonged to someone other than the complainant. I could hear the officer try and explain that they had received a call about an auto burglary and that the car was not registered in his name, however the complainant was screaming and yelling and I don't know how much of this information was heard.
4. No.
5. No.
6. A) According to the SFPD Arrest and Control Manual page 56: "Officer should engage the second or double lock in all instances where an individual is handcuffed." "If the subject's actions prevent correct application, the handcuffs should be rechecked as practical for excessive tightness or looseness." According to Department Bulletin: Officers shall double lock handcuffs when safe to do so. B) No.
7. [REDACTED]
8. No.
9. I did not observe this.
10. [REDACTED]
11. [REDACTED]

80:9 A 61 NOV 1007

12. I don't know, I was not aware of any of this.

13. 

I believe all witnesses are listed in the police report.
An oral interview would not aid in this investigation.
No further statements.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Sergeant Robert Doss #1566,

RE: OCC CASE No. 0006-07

FROM: Karol Heppe, Investigator

COMPLAINANT: [REDACTED]

DATE: June 8, 2007,

DATE OF OCCURRENCE: December 28, 2006

RESPONSE DUE DATE: July 1, 2007,

INCIDENT 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.

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(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Do you recall this incident? If you do not recall, please obtain documentation that will help refresh your recollection and answer the following questions.

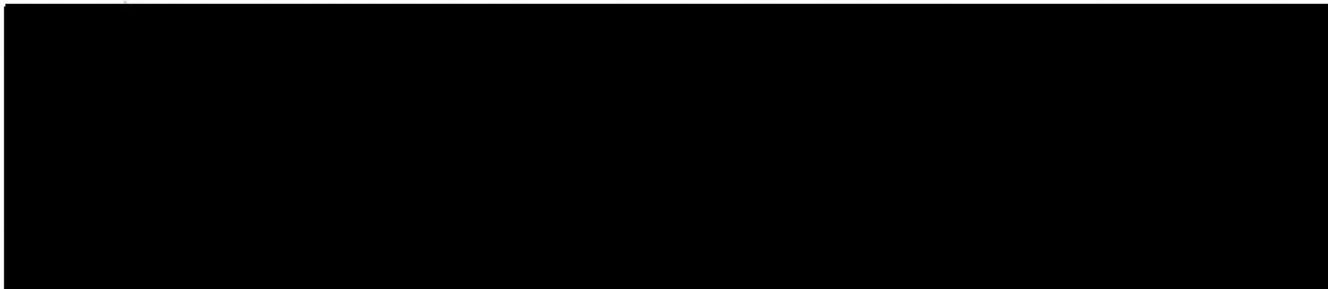
1. According to the incident report, you responded to the scene of this incident. Please explain what was going on when you arrived at the location.
2. According to the incident report, Mr. [REDACTED] did not immediately respond to officer's orders so officers grabbed his hands and handcuffed him. Did you at any time observe Mr. [REDACTED] resist officers?
If yes, please explain what you observed.
3. Mr. [REDACTED] said that when he was searched his keys and wallet were removed from his pockets. Did you observe an officer remove the above items from Mr. [REDACTED] pockets?
 - a. If yes, please identify the officer who did so.
 - b. What is your training regarding the removal of items from inside a person's pockets during a pat search pursuant to a detention?
4. Mr. [REDACTED] said that after being handcuffed he complained that the handcuffs were causing pain to his wrists and in response Officer Jon Kasper #68 grabbed his arms, pulled them upward in a pain inflicting manner. Did you observed Officer Kasper do this?
If so, please explain what you observed.
5. The incident report documents that the handcuffs were not double lock at the time they were placed on Mr. [REDACTED] but later after he was on the ground. Please answer the following:
 - a. What is your training regarding when handcuffs should be double locked?
 - b. Did you observe any conduct by Mr. [REDACTED] and prevented officers from double locking the handcuffs sooner?
If yes, please explain.
6. [REDACTED]
7. Mr. [REDACTED] said he tried to obtain information about why he was being detained and Officer Kasper told him to, "Shut up." Did you hear Officer Kasper tell Mr. [REDACTED] to, "Shut up"?
If so, can you explain why he did so?
8. According to the incident report, Officer Kasper "tapped" Mr. [REDACTED] left foot with his right foot. Mr. [REDACTED] said Officer Kasper kicked him. If you observed this conduct please answer the following:
 - a. How much force and pressure were behind the "tap."
 - b. What justification did Officer Kasper have for using this physical tactic?
 - c. Did Mr. [REDACTED] display any signs that the "tap" caused him pain?
If yes, please explain.

9.

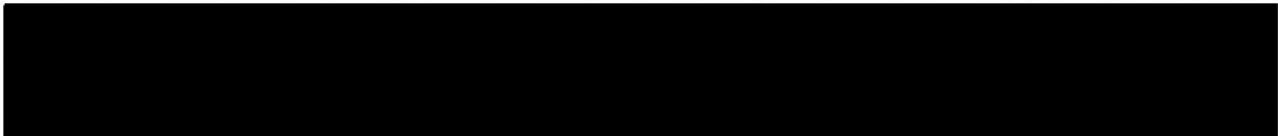


10. Why didn't you remove the handcuffs from Mr. [REDACTED] when you learned that he lived adjacent to the location of the detention?

11.

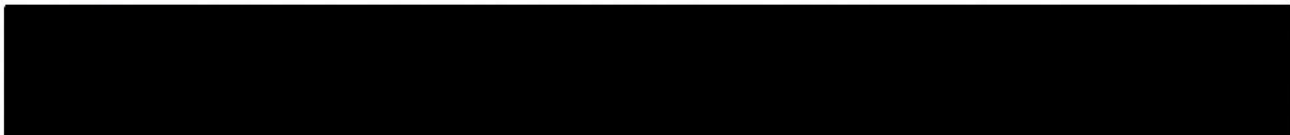


12.



13. Why weren't the handcuffs removed from Mr. [REDACTED] sooner than they were?

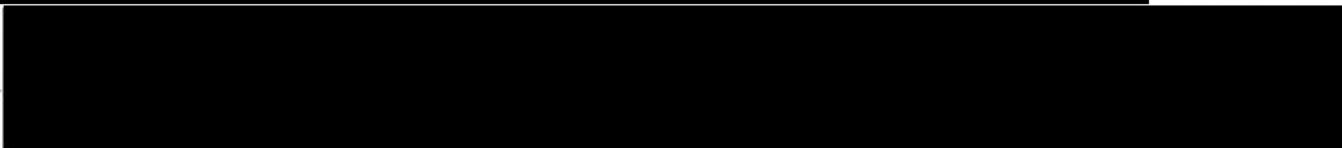
14.



15.



16.



Are there any witnesses to this incident? If so, please 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: Copy Complaint and Incident Report [REDACTED]

MEMBER'S SIGNATURE: _____ DATE: _____

Memorandum

San Francisco Police Department



To: Karol Heppe
Investigator
Office Of Citizens Complaints

APPROVED YES NO

From: Inspector Doss 1566 [REDACTED] 1566
Narcotics Division

Date: Friday, June 29, 2007

Subject: O.C.C. Case No. 0006-07

Questions:

1: Officers at the scene were detaining Mr. [REDACTED] who was handcuffed.

2: No, Mr. [REDACTED] was already detained.

3: (a) No.

(b) If an Officer has probable cause that may seized the Item(s) during a detention.

4: No.

5:(a) If possible a Officer should double lock the handcuffs, as officers safety permitt.

(b):I was not at the scene when Mr. [REDACTED] was initially handcuffed, so I can not answer this question.

6: [REDACTED]

7: No.

8:(a): I was not present.

(b): To have Mr. [REDACTED] separate his feet..

(c): No.

9: [REDACTED]

10: The handcuffs were removed immediately after we finished our investigation.;ie that Mr. [REDACTED] was not breaking into the reported vehicle.

11: [REDACTED]

2007 JUN 29 P 12:22

[Redacted]

12:

[Redacted]

13: Mr. [Redacted] was released after we finish our investigation that he was not breaking into the reported vehicle.

14:

[Redacted]

15:

[Redacted]

16:

[Redacted]

Respectfully Submitted
Inspector Robert Doss 1566

[Redacted]

1566

2007 JUN 29 P 12:22

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer Joshua Phillips #1697,

RE: OCC CASE No. 0006-07

FROM: Karol Heppe, Investigator

COMPLAINANT: [REDACTED]

DATE: June 8, 2007,

DATE OF OCCURRENCE: December 28, 2006

RESPONSE DUE DATE: July 1, 2007,

INCIDENT 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)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Do you recall this incident? If you do not recall, please obtain documentation that will help refresh your recollection and answer the following questions.

1. According to the incident documentation, you responded to the scene of this incident. Please explain what was going on when you arrived at the location.
2. According to the incident report, Mr. [REDACTED] did not immediately respond to officer's orders so officers grabbed his hands and handcuffed him. Did you at any time observe Mr. [REDACTED] resist officers?
If yes, please explain what you observed.
3. Mr. [REDACTED] said he repeatedly asked why he was being detained. Did you hear Mr. [REDACTED] make such a query and if so, did you hear anyone explain to him the nature of the detention?
If yes, please explain what you heard.
4. Mr. [REDACTED] said that when he was searched his keys and wallet were removed from his pockets. Did you observe an officer remove the above items from Mr. [REDACTED] pockets?
 - a. If yes, please identify the officer who did so.
 - b. What is your training regarding the removal of items from inside a person's pockets during a pat search pursuant to a detention?
5. Mr. [REDACTED] said that after being handcuffed he complained that the handcuffs were causing pain to his wrists and in response Officer Jon Kasper #68 grabbed his arms, pulled them upward in a pain inflicting manner. Did you observed Officer Kasper do this?
If so, please explain what you observed.
6. The incident report documents that the handcuffs were not double lock at the time they were placed on Mr. [REDACTED] but later after he was on the ground. Please answer the following:
 - a. What is your training regarding when handcuffs should be double locked?
 - b. Did you observe any conduct by Mr. [REDACTED] and prevented officers from double locking the handcuffs sooner?
If yes, please explain.
7. [REDACTED]
8. Mr. [REDACTED] said he tried to obtain information about why he was being detained and Officer Kasper told him to, "Shut up." Did you hear Officer Kasper tell Mr. [REDACTED] to, "Shut up"?
If so, can you explain why he did so?

9. According to the incident report, Officer Kasper "tapped" Mr. [REDACTED] left foot with his right foot. Mr. [REDACTED] said Officer Kasper kicked him. If you observed this conduct please answer the following:
- a. How much force and pressure were behind the "tap."
 - b. What justification did Officer Kasper have for using this physical tactic?
 - c. Did Mr. [REDACTED] display any signs that the "tap" caused him pain?
If yes, please explain.

10. [REDACTED]

11. [REDACTED]

12. Why was Mr. [REDACTED] not unhandcuffed immediately upon learning that he lived adjacent to the location of the detention?

13. [REDACTED]

Are there any witnesses to this incident? If so, please 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: Copy Incident Report [REDACTED]

MEMBER'S SIGNATURE: _____ DATE: _____

OCC Member Response

To: Investigator: Karol Heppe
From Officer: Joshua Phillips #1697
Complainant: [REDACTED]

OCC Case # 0006-07
Case # [REDACTED]
06/15/07

1. Off. Kroos #546 and I responded as back up because the primary unit stated they had a resister. Off. Kroos and I responded from some distance. At the time of our arrival there were several police units on scene and the complainant was handcuffed in a standing position. I could see that the complainant was agitated and was being very loud and belligerent verbally. I did not approach the complainant or the officers that were near the complainant because I did not want to agitate the complainant further.
2. Not physically, as stated above, when I arrived the complainant was being very verbally belligerent, but was already handcuffed and was standing.
3. I did not hear the complainant ask why he was being detained, I heard the officers try to explain the reason to him. The complainant was interrupting the officers and not allowing them to get their point across.
4. No.
5. No.
6. A. Whenever feasible the handcuffs should be double locked after being placed on a detainee. However, officers are not required to put themselves in danger in order to double lock the handcuffs. The handcuffs are to be double locked when it is safe for the officers to do so. Not only is it not safe to double lock the handcuffs on a resistive detainee, but it is almost physically impossible.
B. No.
7. [REDACTED]
8. No.
9. I did not observe this.
10. [REDACTED]
11. [REDACTED]
12. I don't know, I had nothing to do with that.
13. [REDACTED]

I believe all witnesses are listed in the police report.

An oral interview would not aid in this investigation.

No further statements.

[REDACTED] 1697
Joshua Phillips #1697

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

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2007 JUN 27 P 2:39



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer Jimmy Lee #2218,

RE: OCC CASE No. 0006-07

FROM: Karol Hepe, Investigator

COMPLAINANT: [REDACTED]

DATE: June 8, 2007,

DATE OF OCCURRENCE: December 28, 2006

RESPONSE DUE DATE: July 1, 2007,

INCIDENT 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)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Do you recall this incident? If you do not recall, please obtain documentation that will help refresh your recollection and answer the following questions.

1. According to the incident documentation, you responded to the scene of this incident. Please explain what was going on when you arrived at the location.
2. According to the incident report, Mr. [REDACTED] did not immediately respond to officer's orders so officers grabbed his hands and handcuffed him. Did you at any time observe Mr. [REDACTED] resist officers?
If yes, please explain what you observed.
3. Mr. [REDACTED] said he repeatedly asked why he was being detained. Did you hear Mr. [REDACTED] make such a query and if so, did you hear anyone explain to him the nature of the detention?
If yes, please explain what you heard.
4. Mr. [REDACTED] said that when he was searched his keys and wallet were removed from his pockets. Did you observe an officer remove the above items from Mr. [REDACTED] pockets?
 - a. If yes, please identify the officer who did so.
 - b. What is your training regarding the removal of items from inside a person's pockets during a pat search pursuant to a detention?
5. Mr. [REDACTED] said that after being handcuffed he complained that the handcuffs were causing pain to his wrists and in response Officer Jon Kasper #68 grabbed his arms, pulled them upward in a pain inflicting manner. Did you observed Officer Kasper do this?
If so, please explain what you observed.
6. The incident report documents that the handcuffs were not double lock at the time they were placed on Mr. [REDACTED] but later after he was on the ground. Please answer the following:
 - a. What is your training regarding when handcuffs should be double locked?
 - b. Did you observe any conduct by Mr. [REDACTED] and prevented officers from double locking the handcuffs sooner?
If yes, please explain.
7. Mr. [REDACTED] said a search was conducted of his vehicle. Did you participate in, or observe the search of Mr. [REDACTED] vehicle?
If yes, please explain your participation and/or observations.
8. Mr. [REDACTED] said he tried to obtain information about why he was being detained and Officer Kasper told him to, "Shut up." Did you hear Officer Kasper tell Mr. [REDACTED] to, "Shut up"?
If so, can you explain why he did so?

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2007 JUN 27 P 2:39

9. According to the incident report, Officer Kasper "tapped" Mr. [REDACTED] left foot with his right foot. Mr. [REDACTED] said Officer Kasper kicked him. If you observed this conduct please answer the following:
- How much force and pressure were behind the "tap."
 - What justification did Officer Kasper have for using this physical tactic?
 - Did Mr. [REDACTED] display any signs that the "tap" caused him pain?
If yes, please explain.
10. According to the incident report, Mr. [REDACTED] "dropped to the ground" after Officer Kristal pushed him against a car. Mr. [REDACTED] said that Officer Kristal punched him in his chest with a closed fist causing him to fall onto the ground. Which statement is a more accurate account of what you witnessed?
Please explain your answer.
11. Please identify all officers who went into the house with Mr. [REDACTED].
If you went into the house, please answer the following questions:
- Why did you enter the house?
 - Did Mr. [REDACTED] consent to your entry into the house?
 - Inside the house, Mr. [REDACTED] said he asked all officers present for their identification and no one provided him with this information. If you were asked, and did not provide Mr. [REDACTED] with your identification, please explain why not.
12. Why was Mr. [REDACTED] not unhandcuffed immediately upon learning that he lived adjacent to the location of the detention?
13. Do you have any reason to believe that Mr. [REDACTED] race in any way affect the primary detaining officers conduct toward him?
If yes, please explain.

Are there any witnesses to this incident? If so, please 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: Copy Incident Report [REDACTED]

MEMBER'S SIGNATURE: [REDACTED] ^M 2218 DATE: 6/27/07

TO: Karol Heppe, Investigator

FROM: Officer Jimmy Lee #2218

RE: OCC CASE No. 0006-07

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2007 JUN 27 P 2:39

2007 JUN 27 A 4:19

COMPLAINANT: [REDACTED]

1. Officer Kristal and I responded to the scene after hearing that (3113D) Officers Kasper and Healy had a resister. While enroute to the scene Officers Kasper and Healy advised that they had the subject in custody. Upon arrival Mr. [REDACTED] was in handcuffs and Officer Kasper was telling Mr. [REDACTED] to lean against the vehicle.
2. Mr. [REDACTED] was handcuffed prior to my arrival. Once at scene, I saw Mr. [REDACTED] not responding to Officer Kasper's request to lean against the vehicle.
3. I do not recall.
4. I do not recall.

(b) An officer may remove any weapon or other object usable as a weapon.

5. No.
6. (a) Handcuffs should be double locked when it is safe to do so.
(b) Yes. Upon my arrival, I saw Mr. [REDACTED] not complying to Officer Kasper's verbal command.

7. [REDACTED]

8. No.
9. I did not observe this conduct.

11. [REDACTED]

12. I do not know. I did not even know that Mr. [REDACTED] lived in the area.

13. [REDACTED]

I am not aware of any witness to this incident.
No.

#2218

6/27/07
SFDPA - 0006-07 - 000086



KAROL V. HEPPE
INVESTIGATOR

COMPLAINTS
DISCIPLINE

OCC # 0006-07



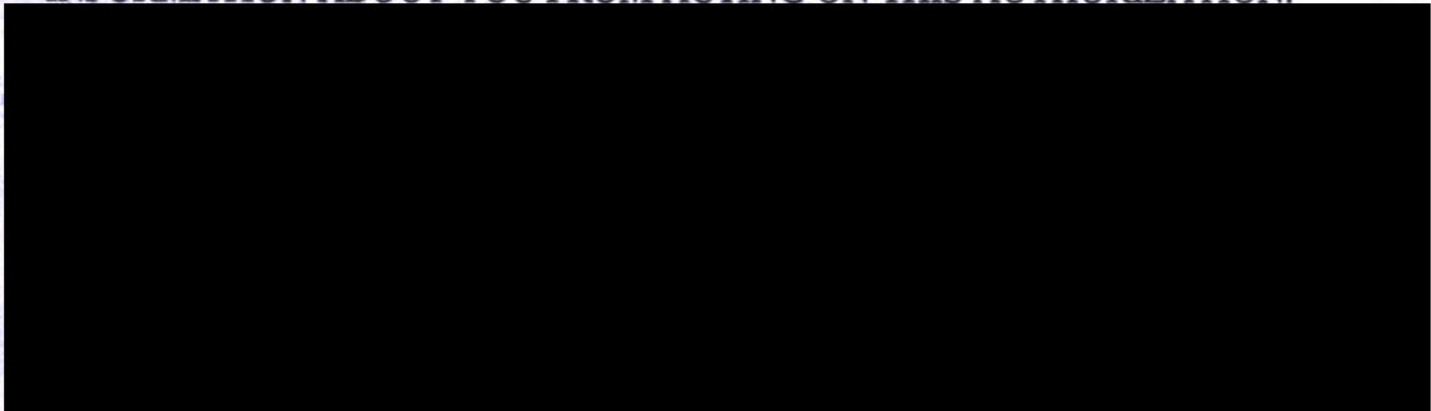
Kevin Allen
Director

OFFICE OF CITIZEN COMPLAINTS
480 SECOND STREET, SUITE 100
SAN FRANCISCO, CA 94107

TEL: (415) 597-7711
FAX: (415) 597-7733
TTY: (415) 597-6770
karol.heppe@sfgov.org
http://www.sfgov.org/occ

AUTHORIZATION FOR DISCLOSURE AND USE OF PROTECTED HEALTH INFORMATION TO AND BY THE OFFICE OF CITIZEN COMPLAINTS

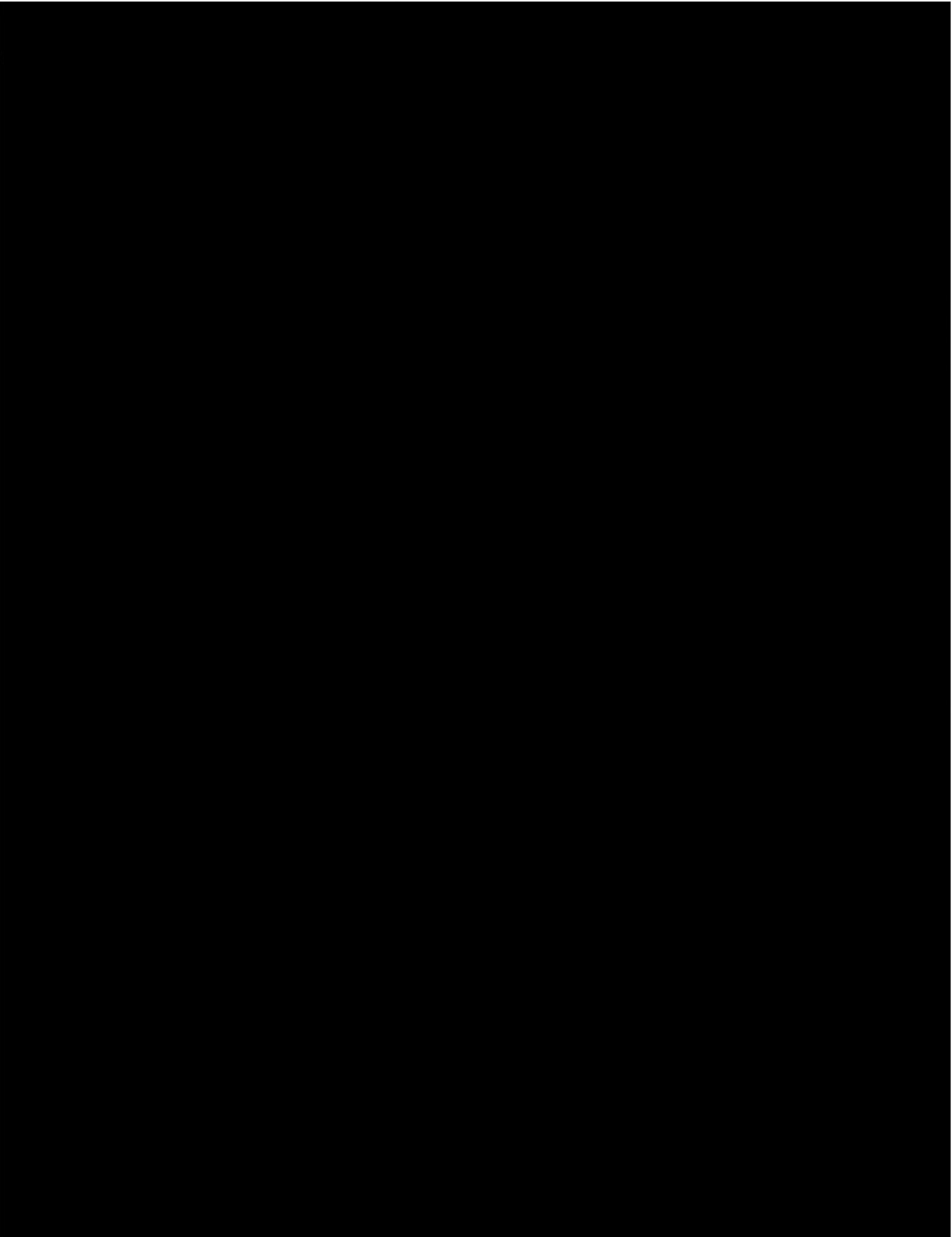
EXPLANATION: This Authorization is necessary for the Office of Citizen Complaints ("OCC") and the health care provider(s) or other persons having custody of protected health information about you to comply with California and federal laws pertaining to the privacy, disclosure and use of protected health information. This Authorization is necessary for the health care provider(s) or other persons listed below to disclose your health information to the OCC, and for the OCC to use your health information. Please provide all requested information. **FAILURE TO PROVIDE ALL REQUESTED INFORMATION MAY INVALIDATE THIS AUTHORIZATION AND PREVENT YOUR HEALTH CARE PROVIDER OR OTHER PERSONS HAVING CUSTODY OF PROTECTED HEALTH INFORMATION ABOUT YOU FROM ACTING ON THIS AUTHORIZATION.**

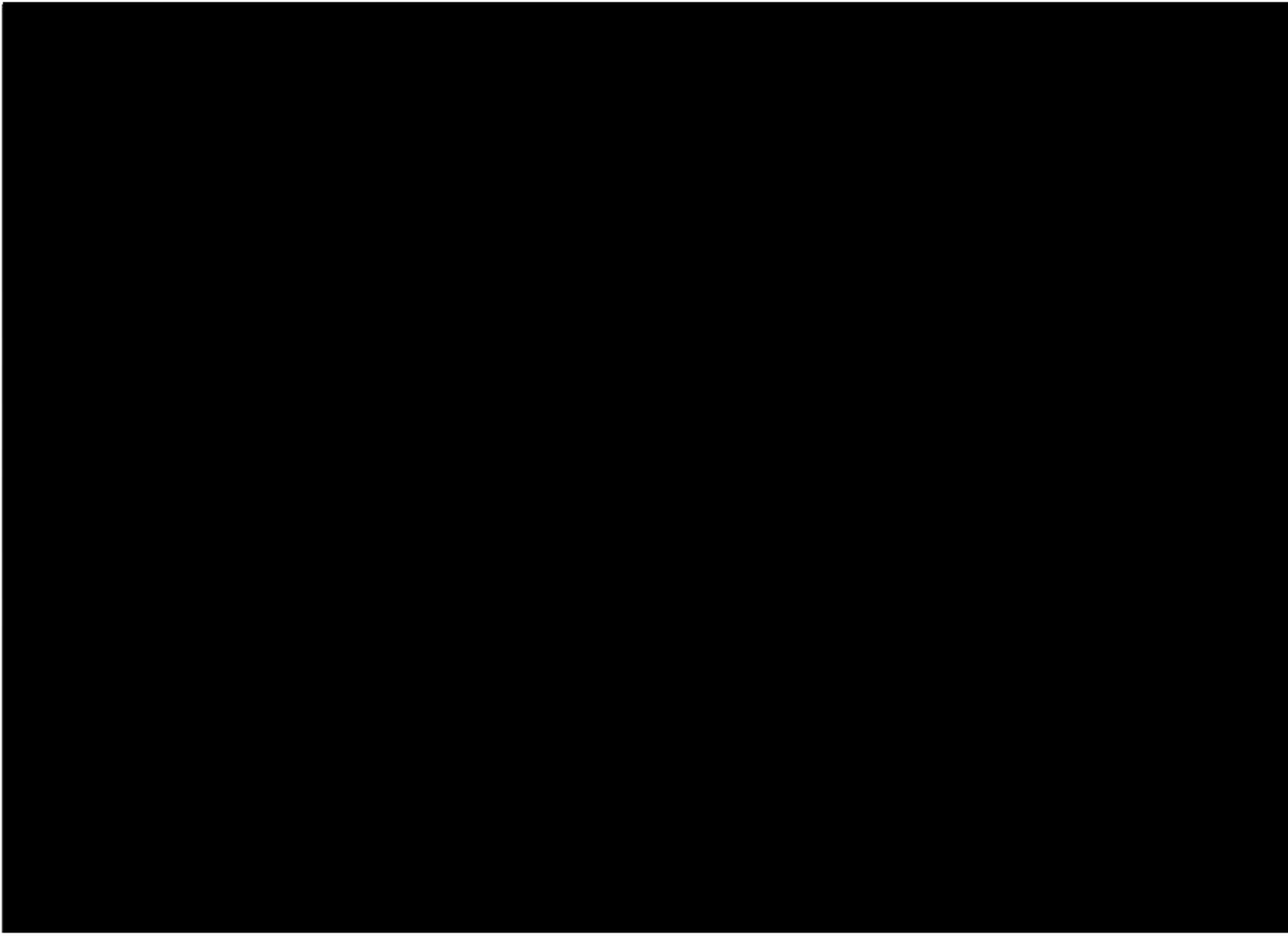


I. PERSONS AUTHORIZED TO DISCLOSE PROTECTED HEALTH INFORMATION. I authorize the following health care provider(s), person(s) or class of persons to disclose health information about me as described in section 2.



(Print the name or names of health care providers and persons or class(es) of persons authorized to disclose health care information about you to OCC. These may include physicians, hospitals, clinics, paramedics, departments of the City and County of San Francisco, e.g., S.F.F.D. or Department of Public Health, or other persons or entities having custody of health information about you. Please be as specific as possible.)







SAN FRANCISCO CA 941

11 MAY 2007 PM 1 L



2007 MAY 14 P 12:04

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AT CCIS

CITY & COUNTY OF SF
POLICE COMMISSION
ATT: CAROL V. HEPPE
OFFICE OF CITIZEN COMPLAINTS
480 SECOND ST, STE 100

SF. CA. 94107

94107+1489



SFDPA - 0006-07 - 000090

SFDPA - 0006-07 - 000091

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

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2007 JUN 14 P 2:32



PROOF OF SERVICE

TO: NARCOTICS DIVISION, COMMANDING OFFICER/O.I.C.

RE: MEMBER RESPONSE FORM FOR OCC CASE # 0006-07

FROM: Karol Heppe, Investigator

DATE: June 8, 2007

MEMBER TO BE NOTIFIED: Officer Kevin Healy #579, [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **JULY 1, 2007**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (7 days before the response is due).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 6.12.07
Date and Time served: 6.12.07 1900
Date returned to OCC: 6.13.07

Reason for failure to serve:

Signature [REDACTED]

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

Complaint Form None

[REDACTED]

579 6-12-07 1900 HRS.
Star No. Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



PROOF OF SERVICE

TO: CRIME SCENE INVESTIGATIONS, COMMANDING OFFICER/O.I.C.

RE: MEMBER RESPONSE FORM FOR OCC CASE # 0006-07

FROM: Karol Heppe, Investigator

DATE: June 8, 2007

MEMBER TO BE NOTIFIED: Officer Joseph Porta #209, [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **JULY 1, 2007**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (7 days before the response is due).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 6-12-07
Date and Time served: 6-17-07
Date returned to OCC: 6-18-07

Reason for failure to serve:

Signature: [REDACTED] Star No. _____

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

Complaint Form None

[REDACTED] 209 6-17-07 2:100
Star No. Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



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AT OCC

2007 JUN 14 P 2:32

PROOF OF SERVICE

TO: NARCOTICS DIVISION, COMMANDING OFFICER/O.I.C.

RE: MEMBER RESPONSE FORM FOR OCC CASE # 0006-07

FROM: Karol Heppe, Investigator

DATE: June 8, 2007

MEMBER TO BE NOTIFIED: Officer Jon Kasper #68, [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **JULY 1, 2007**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (7 days before the response is due).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 6-12-07
Date and Time served: 6-12-07 1300hrs
Date returned to OCC: 6-12-07

Reason for failure to serve:

[REDACTED]

Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

___ Complaint Form ___ None

[REDACTED]

68
Star No. 6-12-07 1300 hrs
Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



PROOF OF SERVICE

TO: TENDERLOIN STATION, COMMANDING OFFICER/O.I.C.

RE: MEMBER RESPONSE FORM FOR OCC CASE # 0006-07

FROM: Karol Heppe, Investigator

DATE: June 8, 2007

MEMBER TO BE NOTIFIED: Officer Daniel Kroos #546, [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **JULY 1, 2007**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (7 days before the response is due).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: JUN 11 2007
Date and Time served: JUN 11 2007 2100
Date returned to OCC: _____

Reason for failure to serve:

[REDACTED] 890
Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

___ Complaint Form ___ None

[REDACTED] _____ 546 6-11-07 2100 HRS.
Member's Signature Star No. Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

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AT OCC

2007 JUN 14 P 2:32



PROOF OF SERVICE

TO: NARCOTICS DIVISION, COMMANDING OFFICER/O.I.C.

RE: MEMBER RESPONSE FORM FOR OCC CASE # 0006-07

FROM: Karol Heppe, Investigator

DATE: June 8, 2007

MEMBER TO BE NOTIFIED: Sergeant Robert Doss #1566, [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **JULY 1, 2007**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (7 days before the response is due).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 6-12-07
Date and Time served: 6-12-07 1300
Date returned to OCC: 6-12-07

Reason for failure to serve:

[REDACTED] by
Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

___ Complaint Form ___ None

[REDACTED] 1566 6/12/07 1300
Member's Signature Star No. Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC

2007 JUN 13 P 2:41



PROOF OF SERVICE

TO: CRIME SCENE INVESTIGATIONS, COMMANDING OFFICER/O.I.C.

RE: MEMBER RESPONSE FORM FOR OCC CASE # 0006-07

FROM: Karol Heppe, Investigator

DATE: June 8, 2007

MEMBER TO BE NOTIFIED: Officer Joshua Phillips #1697, [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **JULY 1, 2007**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (7 days before the response is due).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 6-11-2007
Date and Time served: 6-13-2007 1220
Date returned to OCC: 6-13-07

Reason for failure to serve:

[REDACTED] 186
Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

___ Complaint Form ___ None

[REDACTED] 1697 6/13/07 1220 + (RS)
Star No. Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC

2007 JUN 15 P 2 35



PROOF OF SERVICE

TO: RICHMOND STATION, COMMANDING OFFICER/O.I.C.

RE: MEMBER RESPONSE FORM FOR OCC CASE # 0006-07

FROM: Karol Heppe, Investigator

DATE: June 8, 2007

MEMBER TO BE NOTIFIED: Officer Jimmy Lee #2218, [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **JULY 1, 2007**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (7 days before the response is due).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 6/14/07 AS 2102

Reason for failure to serve: _____

Date and Time served: JUN 14 2007 2100 HRS

Date returned to OCC: 6/15/07

Signature: [REDACTED] Star No. _____

Lieutenant Mario Delgado [REDACTED]

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

___ Complaint Form ___ None

[REDACTED]

Member's Signature

2218
Star No.

6/14/07 2100
Date and Time Notified

=====0000000785=====

Fri 29-Dec-06 02:13a

=====

TO: O/C

FROM: [REDACTED]

CO: HIGHLAND HOSP IN OAKLAND

TEL#: [REDACTED]

TK BRIEF MSG FR CLRS FILING COMPLAINT!

** READ ER PAGE INFO CAREFULLY **

MSG: REPORTING A CASE OF POLICE

BRUTALITY THAT HAS CAUSED SERIOUS

INJURY. MAN IS BEING EVALUATED HERE IN

THE TRAUMA CENTER.

Message History Account: 785

Taken: Fri 29-Dec-2006 2:13a RJT

Serial#: 1

Msg Dispatch History Acct: 785

#01: Fri 29-Dec-2006 2:11a RJT

Dialout 8109169

#02: Fri 29-Dec-2006 2:11a RJT

Dialout 8109169

=====0000000785=====

12/29/06 Left mess. for [REDACTED]

COMPLAINANT:

DR.

[REDACTED]

WITNESS

[REDACTED]

[REDACTED]

FORCE AND DETENTION AT 12TH + JUDAH.

DEC. 28, 2006

10:00 P.M.

1/2/07 Witn. [REDACTED]

spoke to OCC mgr. Zam. 12/29/06
" " prob. Kevin Allen
who indicating he'd speak
to Chief Tong
↓
agreed that vict. should
file complaint.

Vict. wants to file compo
w/o also spoke to Allen

Vict. has 293, intends to file

Witn. does not want to be
complainant per conv. w/Allen.

Left VM for [REDACTED] @ [REDACTED]

[REDACTED]

1-2-07

Intake Interview Notes

1991
cruza
legend
red
4-door

car parked at corner of
12th & Judah
had had car towed
to this location at
approx 8 pm

DL# [REDACTED]

40' fr. his home

parked inside
open ~~gate~~
private

went home for a
while

came back out to
chk car

opened hood

⊕ looking for locat'n
of smoke

went to store (oil & transmsn
fluid)

back & forth fr house

4 water
opened hood fill h₂O & oil

c's head under hood

c turned saw gas exiting
a unit approx 25-30'

⊕

pos approach c

told c

turn around
put hands on car. Put down
the flashlight.

c "Good ~~evening~~ evening officers"

PO

c what's the problem

~~Turn around just~~

Turn around put your
hands on the car
you're under arrest

c turns around

PO puts hands behind his back

2nd po takes flashlight
& begins cuffing c

Can you release the hand cuffs a little bit their hurting

1 po tightens cuffs - as c's **TR** pulling c's elbow upwards & hands upwards

2nd po to **2L**

pain to this day

causing additional pain

c turned facing pos

1 po goes through c's pockets removing wallet & keys

opened c wallet

1 po standing beside c
2nd po opens door o c's car

C continues to complain of pain to release tension

po tells c to "shut up" & kicked c R - lower leg (side of leg)



2L

had bruises on wrist

1 pain to shoulder rotator cuff (shoulder)

3

why did you kick me?

Im doing my job

(R)

go & c's car - did not see

c begins to argue w/ po that kicking him is not part of his job

PO saw c's badge on his wastebasket & took off, IDing c as a doctor

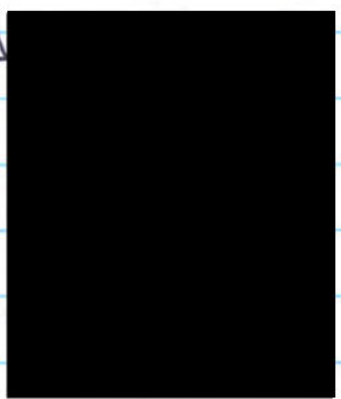
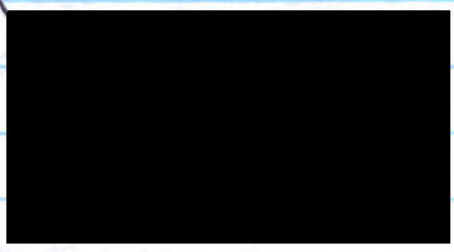
2 more po's arrive

(3) male white larger

(4)

c being held by at the time by handcuffs

this po handed badge to the other po



walks up to c punches him R side of chest w/ a closed fist → painfull

(4)

C loses balance
falls to left back
landing on his back
head hit ground, concrete
on ground

Why did you punch me?

Because I want to.

(3)

C begins babbling
this is wrong, ... criminal, ...
I have no enemies so if
anything happens to
me, if anything happens
to me, ...

Im in hand cuffs &
youre taking punches
on me, ... ever if youre
no scared of the law
then. This is my car. I
have the title to the car, ...

Do you like meth?

(619
93)

What did you say?

(5)

#3

Do you like meth
#4 says he's saying, Do you like meth?
I'm a doctor

#4

Ask for po's ID
refused to give (ignored)

some more
pos
may
have
arrived

po's talking & laughing
at (3) (4)

they
heard!
#3
#4

Complaining pain to wrists
Help me. Help me up
(no ans w) loosen cuffs

they
are
standing
@ c's
head

Somebody help me is
there a supervisor
here?

(no ans w)

on
back
on ground
10 mins
approx

6

Supervisor shows up (African-American)
c pulled off the ground

male
slim
5'10"
short
hair
mid/late
40's

Super. asks c about
car, title

told super. locat'n of
house.

They walk to c's house
all officers

c begins to cry

at house 1 po had c's
keys, showed them to c
c IDed door key
po opened front door
w/key

all pos entered house
the orig. 4 + Super
+ one or more others

(7)

one of c's roommates comes
out of rm, IDs c.

c takes pos upstairs to
his rm shows them
stack of papers for veh.
title

all
pos

po unable to find doc

c said it might be in
wallet

wallet outside, one po
goes out, comes back
w/ wallet

↓ title found therein

c as cuffs be removed

cuffs removed

c continued to ask qs
what happened? what did I do?
~~what happened?~~

to
pos
in
C's
RM
def. super.

I want all your identifications

all moved outside, from where c provided with
I po gave c the Cert. of Release
to sign

c
ignored

c orig. refused to sign
bec. it says he was
detained NOT arrested

Someone came
w/ a camera
to photo c,
c refused,
so no
photos
were
taken

bec. of their own words
"You are under arrest."

provided
by one of
1st 2
pos
1 or 2

Reporter follow-up - can't recall
when he
rec'd it, maybe
later at the
station

9

POs left

c went back to his car
found his flashlight broken
on the ground

shirt torn — area around
a top button
hole


badge broken

a phy stamp
a hook to
adhere instrmt
to shirt/smock

c locked car
left note for auto repair
owners an car w/keys

c's friend had arrived (while
police still there)

had been parked across
the street

—  saw don't know
what he saw

Found a cell phone on
ground

(10)

went to stat'n to return
cell phone

saw A-A from incid.
at stat'n, told him
he wanted to file a
complaint
& he gave c
a 293

an po fr. incident, who
had kicked c (also had
been holding w/when the
ofc. punch him in the chest)
came out to lobby &
recovered the cell phone.

c still did not know why this
incident had happened, the AA
po told c he could fill
out the 293 at the station.
c asked why the incident
had happened, the po
did not explain.

(11)

clothes:

black jacket - cotton/wool lining
beanie - black waist length

dark slacks

maroon shirt/button down

black leather dress shoes/work



where
this
journey
started
fr.

Sup. AA (at the house?)
told C a go had been
shot & the go might have
been wired up
recently & in the area.

Generalizations
No specifics

poss. having gotten a rpt.
or that C fit a description

Why

kicking bunched
frightened
for life

bec. they were acting like gangsters
like he was not safe
happening in public view
& still to kick & punch
in front of each other
w/ impunity

13

c had offered initial officers
his info, his suspicions as to
why they were there

entered his pockets, went through
his wallet, emptied his pockets
- Is this R?

Kicking - crim. beh.

Deserve better

Punch c - reflects hatred
|
frightened c
|
in front of other
officer
|
wimpiness

Not acting like pos,
acting in a lawless manner
scared for his own life.

Deserved an apology
after being released

c ask pos to be calm
be polite
c felt this agitated the pos

they are supposed to be professional
but weren't

Pos conducting themselves
in this way in a public
place & in front of other
pos.

none of
them had
the
moral
strength
to

Loss of faith in system

Trammatizing

Perception of police damaged

Med. treatment at hosp



15

Allegations:

OF

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Cert. provided by one of the 1ST pos
on scene

Follow-up provided by - ^{possibly} same as
above

named

PO who kicked c left his cell
phone ~~to~~ at the scene (on the
ground) took cell home to stat'n
to pick up 293 & the owner
po came out to retrieve cell
phone - same po who gave c
the Cert

COPY

February 26, 2007

[REDACTED]

OCC #6-07

Dear Dr. [REDACTED]

As you know, I have been assigned to investigate your complaint against the San Francisco Police regarding the incident of December 28, 2006. In this endeavor, I would like to speak with your roommate that you said was present when the police entered your home. Please provide me with this persons name so that may send him a letter requesting his assistance. In addition, please advise me as to the status of any medical examinations or treatments that you have received since this incident. At your interview, you informed me that you indented to seek future treatment at [REDACTED]. Did you pursue treatment at either or both of these institutions? Also, I believe you received treatment at [REDACTED]. Was the treatment you received at [REDACTED] documented in a report that I can request from the Medical Records Department? Please call me at (415)597-7728. If am away from my desk when you call, please leave the above information on my voice-mail. Thank you.

Sincerely,

Karol Heppe
Investigator

Q2 Kevin Healy #579 -

Q2 Jon Kasper #68 -

Q2 Joshua Phillips #1697 -

Q2 Daniel Kroos #546 -

Sgt. Robert Doss #1566 -

Joseph #209
Porter

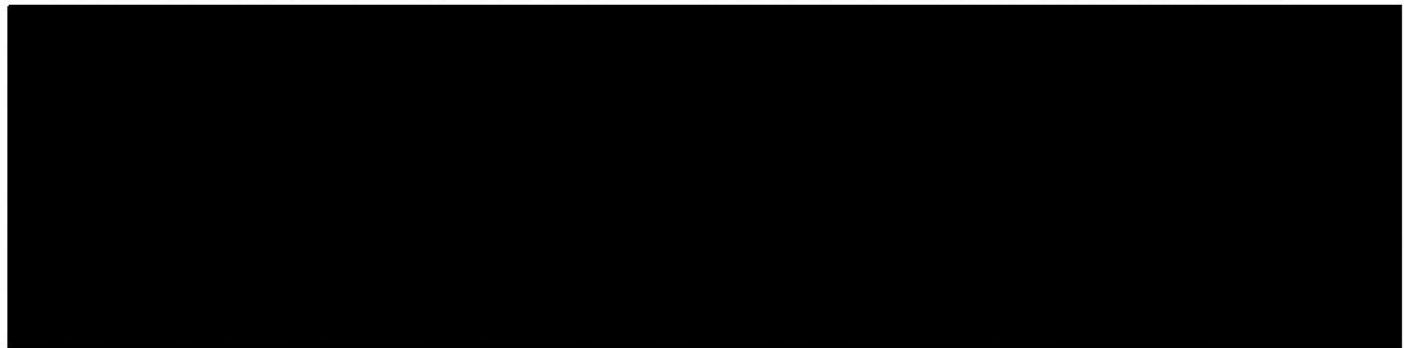
ORIGINAL



Kevin Allen
Director

AUTHORIZATION FOR DISCLOSURE AND USE OF PROTECTED HEALTH INFORMATION TO AND BY THE OFFICE OF CITIZEN COMPLAINTS

EXPLANATION: This Authorization is necessary for the Office of Citizen Complaints ("OCC") and the health care provider(s) or other persons having custody of protected health information about you to comply with California and federal laws pertaining to the privacy, disclosure and use of protected health information. This Authorization is necessary for the health care provider(s) or other persons listed below to disclose your health information to the OCC, and for the OCC to use your health information. Please provide all requested information. **FAILURE TO PROVIDE ALL REQUESTED INFORMATION MAY INVALIDATE THIS AUTHORIZATION AND PREVENT YOUR HEALTH CARE PROVIDER OR OTHER PERSONS HAVING CUSTODY OF PROTECTED HEALTH INFORMATION ABOUT YOU FROM ACTING ON THIS AUTHORIZATION.**



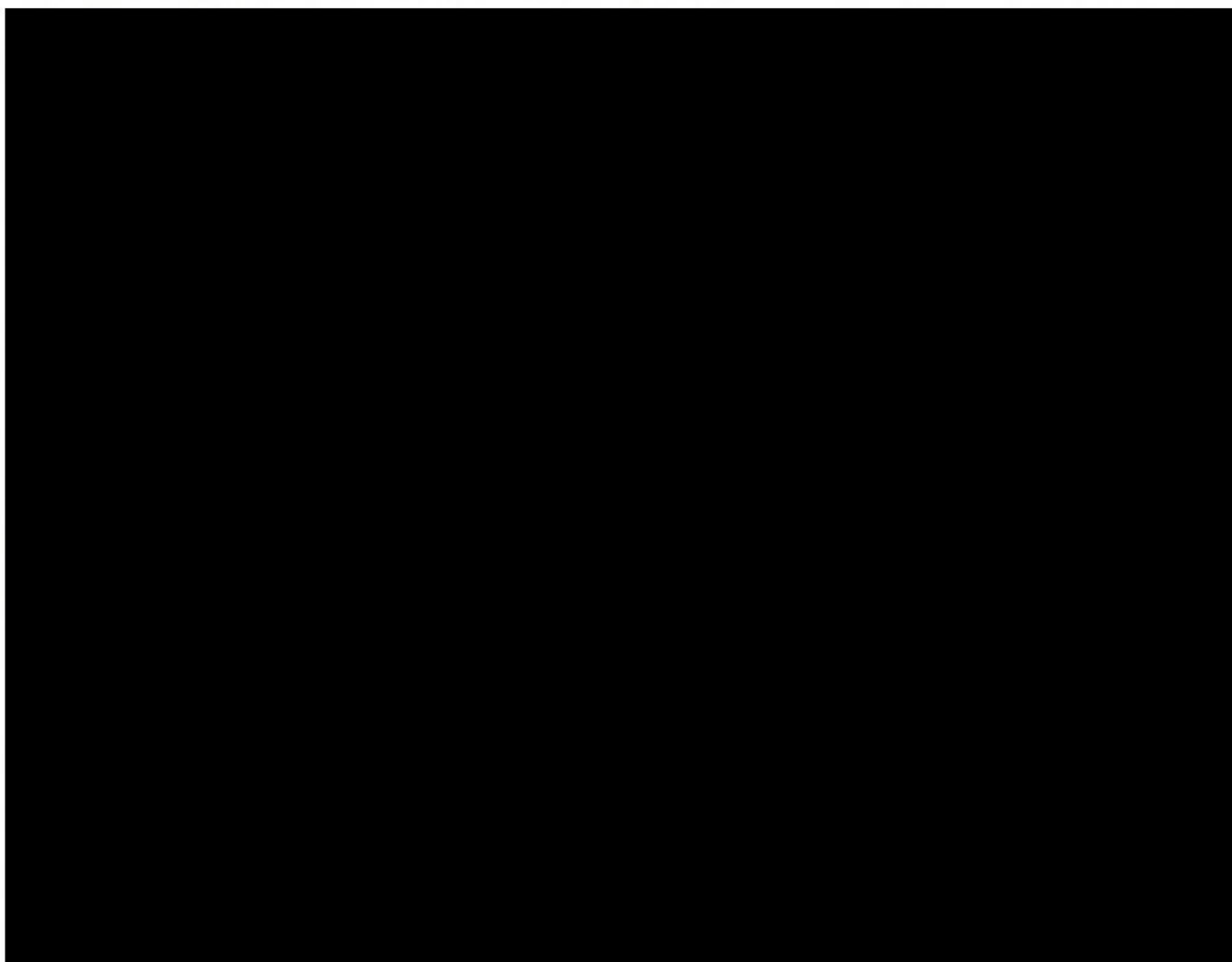
1. PERSONS AUTHORIZED TO DISCLOSE PROTECTED HEALTH INFORMATION. I authorize the following health care provider(s), person(s) or class of persons to disclose health information about me as described in section 2,



(Enter the name or names of health care providers and persons or class(es) of persons authorized to disclose health care information about you to OCC. These may include physicians, hospitals, clinics, paramedics, departments of the City and County of San Francisco, e.g., S.F.F.D. or Department of Public Health, or other persons or entities having custody of health information about you. Please be as specific as possible.)

2. **DESCRIPTION OF INFORMATION.** This Authorization permits the use and disclosure of information as described in this Section 2, below. By checking the boxes below, I specifically authorize the release of the records and information described, if such records and information exist. The use and/or disclosure of records and information shall be limited to the types of information, types of treatment and/or dates of treatment I authorize, as indicated by checking the appropriate box(es) below. Authorization to disclose and/or use protected classes of information regarding mental health treatment, substance abuse treatment, HIV/AIDS tests or treatment, developmental disabilities and sexually transmitted disease require that I initial the appropriate space as indicated. California law requires that recipients of my health information refrain from redisclosing such information except with my written authorization or as specifically required by law.

(Check all applicable boxes and initial selection)



I understand that the information I authorize to be disclosed and/or used may also include any medical history, physical or mental condition, services rendered and/or treatment received.

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

3. **AUTHORIZED USERS AND RECIPIENTS.** I hereby authorize the Office of Citizen Complaints, 480 Second St., San Francisco, CA 94107, and its employees and agents, to receive and use the health information checked in Section 2, above.

I hereby authorize the health care provider(s) or other person(s) identified in Section 1, above, to be interviewed by the Office of Citizen Complaints regarding [redacted] dates and/or specific conditions described in [redacted]

4. **PURPOSE.** I hereby authorize the use of health information checked in Section 2, above, for all official purposes of the Office of Citizen Complaints, including the investigation of citizen complaints against members of the San Francisco Police Department and potential disciplinary action in connection therewith. Send records to: Office of Citizen Complaints, 480 Second St., San Francisco, CA 94107.

5. **MY RIGHTS; REVOCATION.** I understand that authorizing the disclosure and use of health information about me is voluntary. I may refuse to sign this Authorization. I may revoke this Authorization at any time. Revocation of this Authorization must be in writing, signed by me or on my behalf by someone with the legal authority to do so, and delivered to the person(s) authorized to disclose health information about me as set forth in Section 1, above. My revocation will be effective upon receipt, but will not be effective to the extent the person(s) set forth in Section 1 acted in reliance upon this Authorization prior to my revocation. I have a right to obtain a copy of this Authorization. I may not be denied treatment, payment, enrollment in a health plan or eligibility for benefits if I refuse to sign this Authorization.

6. **EXPIRATION.** Unless otherwise revoked, this Authorization will expire one (1) year from the date of execution unless a different end date or event is specified in Section 7, below, OR immediately upon the fulfillment of OCC's request for protected classes of information initialed in Section 2, above.

7 [redacted]

Witness (required if Patient unable to sign)

Interpreter used: ____ Yes ____ No

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

480 SECOND STREET, SUITE 100
SAN FRANCISCO, CALIFORNIA 94107-1429

SAN FRANCISCO CA 941

07 MAR 2007 PM 3 T

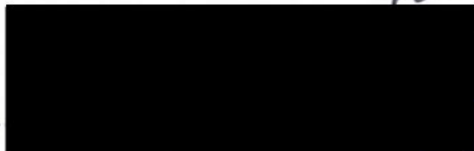
RECEIVED
AT OCC

2007 MAR 19 1:39



02 1A
0004617492 MAR 06 2007
MAILED FROM ZIP CODE 94103
\$ 00.39⁰⁰

*all
6-07*



*not at this
address
Return to
her*

1 1 00 03/17/07

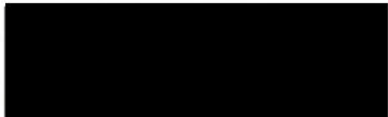
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 94107142925 *1340-23841-07-39


94122@9999
94122+2206


SFDPA-0006-07-000124

February 14, 2007



Re: OCC#0006-07

Dear Mr. 

The Officer of Citizen Complaints (OCC) is responsible for investigating complaints against members of the San Francisco Police Department. A citizen filed a complaint about an incident that you may have witnessed or have information pertaining to. This incident occurred on Thursday, December 28, 2006 at approximately 10:00 p.m., near  Judah Street in San Francisco. I would like to speak with you about this incident. It would be most helpful if you would contact me at (415)597-7728.

Thank you.

Sincerely,

Karol Heppe
Investigator

Enc. brochure & card

MRF

(no witness
other than
po's)

6-07

Interview Notes 2/26/07

With,

[Redacted]

[Redacted]

friend of c's (1 yr.)

had called
said his car broken

saw num. patrol cars on st. ✓

parked nearby, across st
called c

no VM
rang door bell

tenant said Dr had
been there 15-20 min earlier
had not seen since

heard c's voice (Carla)

walked over to closest
etc.

Is ~~black~~ black male
involved?

①
male
white
6'2"
230 lbs
uniform
30's
drove off

①

Ofc. suggested to speak
to another det

who left

po's leaving

w approached 2nd
po

- po ask w / who he was
ask w to wait

saw c handcuffed crying
being lifted off the ground

c made eye contact w/wita.
c looked very worried

w spoke to one po
that he's an Investment Banker
detainee is a [redacted]
c can't be involved in
whatever

there throughout
escorted
c to house
went inside
the house
after exiting
w participated
in below
discussion

(2)

[redacted]

pos walked over to c

there was conv.

c walked to his aptmt
post with

c ask with. to stand-by

#POS
into
bldg
w/c
2 or
3

pos & c went upstairs into
aptmt where tenant was
staying

with. not allowed to enter w/c

po explned that c had been
under a veh. hood, that a
neighbor had called, that
c was not being profiled.

stated
that
c
was
not
compliant

with. suggested disparate treatment
another would have been
treated differently.

c brought back downstairs

c still cuffed

" asked for cuffed to be removed
they were.

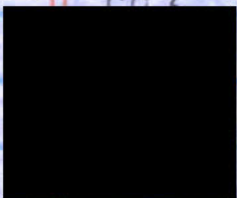
(5)
AA
also
present
not sure
if he
went
into
house

don't
believe
he went
upstairs

POs explaining situation to withn.
trying to justify their actns.

PO stayed w/withn. downstairs
po told withn. they were going to
look for ~~sa~~ veh. doc's

PO apologized to withn



told

this is not about straight. I was
completely compliant. This is
police brutality.

come out
hldg w/c

You kicked me on by () leg. & if
you did want be to fall to
the ground you would have



C looked
for po
who had
punched
him,
but
unable
to do
so,
no
finger
present

PO No, I kicked you on the _____
to bring you down.

C No, if that was your intent
you would have kicked me
in (another part of _____).

(4)

POs more focused on with
them. AA po offered that if
[redacted] was interested in filing
they could give him some
paperwork

Another ofc. came over w/ some
paper for C to sign - that
he was not arrested
C & W discussed, C decided
not to sign.

POs left.

C went back to his veh.

found a cell phone
suggested it might be a po's
C called stat'n rpt found
cell phone

C & W went to stat'n

dropped off phone
several pos on scene at
station, against spoke
to AA po who thanked
them

(5) they filled out complaint

cert
of
release?

2-3 cars
left

@ station
"they" tried to ID
as many pros

saw no other wits on scene

there was the tenant but don't know
what he saw but told wits. he'd been

Saw no phy inapp. conduct

Only concern, was conversation btw
po & c re: kick to leg



KICKING

&

mentions by c that PO^{unidentified}
punched him.

6

- (1) Veh. search - Did not see
(2) Request for name -

after uncuffed
ask to AA

don't
recall if others
responded

who said
provided
name

- (3) Property Damage
flashlight - broken

can't
recall



has

↳ cars

Accura - Green


- Red - at scene

COPY

February 14, 2007

Re: OCC#0006-07

Dear 

The Officer of Citizen Complaints (OCC) is responsible for investigating complaints against members of the San Francisco Police Department. A citizen filed a complaint about an incident that you may have witnessed or have information pertaining to. This incident occurred on Thursday, December 28, 2006 at approximately 10:00 p.m., near  Judah Street in San Francisco. I would like to speak with you about this incident. It would be most helpful if you would contact me at (415)597-7728.

Thank you.

Sincerely,

Karol Heppe
Investigator

Enc. brochure & card

Case No. 06-07
Investigator H. [unclear]
Page ___ of ___

OCC TAPED INTERVIEW LOG

Date of Interview	Name of Interviewee or subject of tape (e.g. CAD tape)	Comments
1-2-07	[REDACTED]	Tape 1
"	"	" 2
2/26/07	[REDACTED]	

Date submitted to file room 8/8/07
Total Number of Tapes 3

RMS-Original

40F11

page 1 of 5

INCIDENT NO. [REDACTED] ARREST MADE SUSP. KN. [REDACTED] NON-SUSP. INCIDENT

TYPE OF INCIDENT: **Investigative Detention**

REPORTING UNIT: **3I13D** DATE / TIME OF OCCURRENCE: **12-28-06 2220 HRS**

DATE / TIME REPORTED TO POLICE: **12-28-06 2217 HRS** RELATED CASE NUMBER(S): **NONE**

LOCATION OF OCCURRENCE: **JUDAH / 12TH AVE** TYPE OF PREMISES: **Auto Repair Shop** LOCATION SENT TO: **JUDAH / 12TH AVE**

REPORTED TO BUREAU / OPS CENTER (NAME / STAR / DATE / TIME): [REDACTED]

DOMESTIC VIOLENCE (TYPE WEAPON USED) [REDACTED] ELDER ABUSE GANG RELATED JUVENILE SUBJECT PREJUDICE BASED

I DECLARE, UNDER PENALTY OF PERJURY, THIS REPORT OF [REDACTED] 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): **J. Kasper** STAR: **68** SIGNATURE: [REDACTED]

STATION: **Narcotics** REPORT REVIEWED BY (PRINT NAME / STAR): **SCT. PATK #1061** OIC APPROV: [REDACTED]

WATCH: **12-22**

ASSIGN TO: **3I200** INCIDENT CODES: **64085** ASSIGNED BY (PRINT INITIAL/STAR): **fl #68**

HOW CLEARED: **CO-I / 1** COPIES TO (NAME OF UNITS): [REDACTED]

COPY TO: A B C ICS ENTRY

RP CODES: F - FOUND; N - NOTIFY; P - PARENT; R - REPORTEE; V - VICTIM; W - WITNESS RACE CODES: A; B; F; H; I; O; U; W

REPORTING PARTY

CODE: **R** NAME / LAST FIRST MIDDLE / FIRM NAME IF BUSINESS: [REDACTED] RACE: [REDACTED] SEX: [REDACTED] DOB / AGE: [REDACTED] RESIDENCE PHONE (DAY / NIGHT): [REDACTED]

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO: [REDACTED] ZIP CODE: [REDACTED] BUSINESS PHONE (DAY / NIGHT): [REDACTED]

BUSINESS ADDRESS / NAME OF SCHOOL IF JUVENILE / CITY IF NOT SAN FRANCISCO: [REDACTED] ZIP CODE: [REDACTED] RP'S RELATIONSHIP TO SUBJECT: [REDACTED]

EXTENT OF INJURY / TREATMENT: [REDACTED] VIOLENT CRIME NOTIFICATION: YES NO N/A STAR: [REDACTED] FOLLOW-UP FORM: YES STATEMENT: YES

OTHER INFORMATION / IF INTERPRETER NEEDED SPECIFY LANGUAGE: [REDACTED]

SIGNATURE OF PARTY REPORTING MISSING PERSON: [REDACTED] 293 PC NOTIFICATION (SEX OFFENSE CASE ONLY): YES CONFIDENTIALITY REQUESTED: YES NO STAR: [REDACTED] ADD'L RP'S:

SUBJECT CODES: A - ADMONISHED; B - BOOKED; C - CITED; D - DETAINED; E - EXONERATED; M - MISSING; S - SUSPECT; X - DIVERTED RACE CODES: A; B; F; H; I; O; U; W

SUBJECT

CODE: **D** NAME / LAST FIRST MIDDLE: [REDACTED] RACE: **B** SEX: **M** DOB / AGE: [REDACTED] ALIAS: [REDACTED]

HEIGHT: **6'** WEIGHT: **200** HAIR COLOR: **BLK** UNK BLN GRN SANDY RED BRN WHI BALD EYE COLOR: **BRN** BLK BLU GRN HAZ GRY UNK MIXED

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO: [REDACTED] ZIP CODE: [REDACTED]

HOME / CONTACT PHONE: [REDACTED] ID NO.: [REDACTED] SF NO. / X NO.: [REDACTED]

BOOKING SECTIONS / CHARGE # 1: [REDACTED] CHARGE # 2: [REDACTED] CHARGE # 3: [REDACTED] CHARGE # 4: [REDACTED] WHERE BOOKED: [REDACTED]

WARRANT #: [REDACTED] COURT #: [REDACTED] ACTION #: [REDACTED] DEPT / ENROUTE TO: [REDACTED] CWB CHECK (PRINT NAME / STAR): [REDACTED]

WARRANT VIOLATION(S): [REDACTED] BAIL: [REDACTED] MIRANDIZED: YES NO STAR: [REDACTED] STATEMENT: YES

CITATION #: [REDACTED] CITE VIOLATION(S): [REDACTED] DATE / TIME OF APPEARANCE: [REDACTED] LOCATION OF APPEARANCE: [REDACTED]

SCHOOL NAME IF JUVENILE: [REDACTED] J #/D#: [REDACTED] BOOK / CITE APPROVED BY (PRINT NAME / STAR): [REDACTED]

M X-RAYS: YES MASS ARREST CODE: [REDACTED] OTHER INFORMATION: CITATION / WARRANT / BOOKING CHARGE(S) / MISSING PERSON - SUBJECT DESCRIPTION: **Released per 849 (b) P.C.**

WEARING BLACK KNIFE CAP, BLACK JACKET, AND BLACK PANTS.

ADD'L SUBJ'S:

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): [REDACTED] SIGNATURE: [REDACTED]

INCIDENT NO.							
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50f11

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

CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
E-1	PHOTO'S	(3)			
SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
			579		
NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
	TAKEN OF (D-2) FLASHLIGHT AND (4) VEHICLE				
D-2	FLASHLIGHT	ONE			
SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
		Blue/BLK			
NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
	RETURNED TO (D) [REDACTED]				
E-3	849 (b) FORM				
SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
SERIAL NO.	CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE	
NARCOTICS LAB NO.	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				

INCIDENT NO.
 [Redacted]

60F11

VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED

CODE		LICENSE PLATE NO.		STATE		REG. YEAR		PLATE TYPE				VIN NO.			
4		[Redacted]		CA		[Redacted]		P.C.				[Redacted]			
VEH / YEAR	MAKE	MODEL		STYLE	COLOR	PLATE AND VIN MATCH		PLATES MISSING?							
91	ACURA	Legend		4 Door	RED	YES <input type="checkbox"/> NO <input type="checkbox"/>		FRONT <input type="checkbox"/> REAR <input type="checkbox"/>							
CONDITION (CHECK ALL THAT APPLY)						DAMAGE			POINT OF ENTRY						
APPARENTLY DRIVABLE <input type="checkbox"/> BURNED <input type="checkbox"/> DAMAGED <input type="checkbox"/> STRIPPED <input type="checkbox"/>															
CRIME TECHNICIAN NOTIFIED?		387 FORM GIVEN TO OWNER?		TOW APPROVED BY (NAME / STAR)				TOWED TO (NAME / ADDRESS)			TOW CHECK (NAME / STAR)				
YES <input type="checkbox"/>		YES <input type="checkbox"/>													
HOLD FOR (UNIT)				OTHER INFORMATION											

REGISTERED OWNER (LAST, FIRST, MIDDLE) / FIRM NAME IF BUSINESS					RESIDENCE PHONE (DAY / NIGHT)					
[Redacted]										
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO						ZIP CODE		BUSINESS PHONE (DAY / NIGHT)		
[Redacted]						[Redacted]				

LIST ALL INVOLVED VEHICLES BEFORE STARTING NARRATIVE:

70611

Incident number - [REDACTED]

On the listed date and time, dispatch sent Ofc. Healy #579 and me, to 12th and Judah regarding an auto burglary. Prior to our arrival we were advised that a black male who is 6'2" broke into a vehicle and was now under the hood trying to take the battery. We were advised that the suspect was wearing a dark watchcap, and dark coat. Upon our arrival, Ofc. Healy and I observed a approximately 6'1" black male wearing a black watchcap and black jacket near the drivers side door of a (U)Acura Legend vehicle which was located in the parking lot of Emerald Auto, which was closed. The black male, later identified as (D) [REDACTED] was holding a flashlight. We identified ourselves as the police and we were in full uniform capacity. I ordered [REDACTED] to drop the flashlight for officer safety, fearing that it could be used as a potential weapon. [REDACTED] did not comply and I told him to drop it a second time. [REDACTED] placed the flashlight on the hood of another vehicle. I told [REDACTED] to turn around and place his hands behind his back. I believed it was necessary to place [REDACTED] hands behind his back and handcuff [REDACTED] for officer safety because of his size and his large jacket. [REDACTED] refused to comply. I then approached [REDACTED] and he picked up the flashlight with his right hand. I was close to him and feared he was going to use it as a weapon. I grabbed [REDACTED] right hand and attempted to place it behind his back. [REDACTED] dropped the flashlight and it fell to the ground and the lens and batteries fell out. [REDACTED] attempted to pull away from me, and Ofc. Healy tried to put [REDACTED] left hand behind his back. [REDACTED] continued to attempt to pull away from us. I was able to place one handcuff on [REDACTED] right hand and he pulled it away from me. I attempted to pull [REDACTED] right hand down to place it behind his back because only one handcuff was on [REDACTED] and I feared he might use the other handcuff as a weapon. While I was pulling his arm down I felt my elbow pop, causing pain. Ofc. Healy advised dispatched that we had a resister. I told [REDACTED] that I was going to pepper spray him and he put his hands behind his back. I was able to securely handcuff [REDACTED]

I told [REDACTED] to spread his legs so I could search him for weapons. [REDACTED] refused. I told him a second time and he still refused. I used my right foot to spread his left foot from his right to no avail. I then tapped [REDACTED] left foot with my right foot and he separated his legs for me. At this time numerous Taraval units reponded such as 3I16E Ofcs. Phillips #1697 and Kroos #546, 3I11E Ofcs. Porta #209, 3I100 Insp. Doss #1566, 3I13E Ofcs. Kristal #4217 and Lee #2218. I told [REDACTED] to lean against the (U)vehicle and he refused. I wanted [REDACTED] to be a greater distance from me than he was because he was walking towards be and I did not want to be kicked and we were in between two cars. Ofc. Kristal pushed [REDACTED] against the car and I was able to gain better control of him. About thirty seconds later [REDACTED] dropped to the ground and attempted to get up and twist out of my control. [REDACTED] then began to comply. I asked [REDACTED] if he was injured and he said he was not. Since [REDACTED] was now compliant, I was able to safely double lock his handcuffs.

A records check of the vehicle revealed that it was registered to [REDACTED] out of [REDACTED] [REDACTED] said that he just purchased the car from [REDACTED] and the paperwork was in his house. [REDACTED] took Insp. Doss into his residence, which was almost directly next door, along with Ofc. Porta #209 to see the DMV paperwork. The paperwork

80F11

revealed that [redacted] did just purchase the (U)vehicle. Sgt. Doss removed the handcuffs from [redacted] [redacted] said that the handcuffs were too tight and that he felt pain from them. [redacted] was offered an ambulance and he refused. [redacted] was released per 849(b)PC. A (E3)copy was booked as evidence and an additional copy is attached hereto. Ofc. Healy took (E1)photos of the (U)vehicle, the black watchcap and the broken flashlight. The photos were booked as evidence. Insp. Doss was advised regarding the amount of force used to separate [redacted] legs and the fact that [redacted] complained of pain from the handcuffs. Sgt. Pate #1067 made the appropriate entry in the use of force log. Sgt. Doss was also notified of the injury to my right elbow. I will seek my own medical attention if necessary.



9 of 11

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch 1117) I hereby certify that the taking into custody of [REDACTED] on 11-18-11 at 2:31 hours

by the SAPD was a detention only, not an arrest.
Releasing Agency

[REDACTED] was released on 11-23-11 at 2:00 hours

by the SAPD pursuant to the provision of:
Releasing Agency

Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of subdivision (b) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name J. POIKER Title R2 Unit 3111

Officer's Signature [REDACTED] Star 87

Releasing Officer Superior

Original to citizen. Copy to Record Room. Attach additional copy to citation.

INCIDENT NO. [REDACTED]

ARREST MADE

SUSP. KNOWN

SUSP. UNK

NON-SUSP. INCIDENT

TYPE OF INCIDENT SUPP RPT- INVESTIGATIVE DETENTION		INITIAL <input type="checkbox"/>	CAD NO.
REPORTING UNIT 31200	DATE / TIME OF OCCURRENCE 12-28-06 2220	SUPP. <input checked="" type="checkbox"/>	RELATED CASE NUMBER(S)
LOCATION OF OCCURRENCE JUDAH E 12TH AV	TYPE OF PREMISES AUTO REPAIR SHOP	LOCATION SENT TO SAME	
REPORTED TO BUREAU / OPS CENTER (NAME / STAR / DATE / TIME)	DOMESTIC VIOLENCE <input type="checkbox"/>	(TYPE WEAPON USED)	ELDER ABUSE <input type="checkbox"/>
			GANG RELATED <input type="checkbox"/>
			JUVENILE SUBJECT <input type="checkbox"/>
			PREJUDICE BASED <input type="checkbox"/>

I DECLARE, UNDER PENALTY OF PERJURY, THIS REPORT OF **2** 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) DOSS ROBERT	STAR 1566	SIGNATURE [REDACTED]
STATION TARAVAL	REPORT REVIEWED BY (PRINT NAME / STAR) SGT DOSS 1566	OIC APPROVAL [REDACTED]
WATCH 15/01	SGT DOSS 1566	SGT DOSS 1566

ASSIGN TO 31200	INCIDENT CODES SUPP	ASSIGNED BY (PRINT INITIAL/STAR) RD1566
HOW CLEARED CO II	COPIES TO (NAME OF UNITS)	ICSS ENTRY
	CO II	MIS
		COPY TO A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>

RP CODES: F - FOUND; N - NOTIFY; P - PARENT; R - REPORTEE; V - VICTIM; W - WITNESS RACE CODES: A; B; F; H; I; O; U; W

CODE R	NAME (LAST, FIRST, MIDDLE) / FIRM NAME IF BUSINESS [REDACTED]	RACE	SEX	DOB / AGE	RESIDENCE PHONE (DAY / NIGHT) () [REDACTED]
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			ZIP CODE	RP'S RELATIONSHIP TO SUBJECT	
EXTENT OF INJURY / TREATMENT			VIOLENT CRIME NOTIFICATION YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/>	STAR	FOLLOW-UP FORM YES <input type="checkbox"/>
OTHER INFORMATION / IF INTERPRETER NEEDED SPECIFY LANGUAGE			STATEMENT YES <input type="checkbox"/>		
SIGNATURE OF PARTY REPORTING MISSING PERSON			293 PC NOTIFICATION (SEX OFFENSE CASE ONLY) YES <input type="checkbox"/>	CONFIDENTIALITY REQUESTED YES <input type="checkbox"/> NO <input type="checkbox"/>	STAR
			ADD'L RP'S <input type="checkbox"/>		

SUBJECT CODES: A - ADMONISHED; B - BOOKED; C - CITED; D - DETAINED; E - EXONERATED; M - MISSING; S - SUSPECT; X - DIVERTED RACE CODES: A; B; F; H; I; O; U; W

CODE D1	NAME (LAST, FIRST, MIDDLE) [REDACTED]	RACE B	SEX M	DOB / AGE [REDACTED]	ALIAS
HEIGHT 6-1	WEIGHT 200	HAIR COLOR: / UNK BLK BLN GRY SANDY	EYE COLOR: BLK BLU BRN MIXED	RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO [REDACTED]	
HOME / CONTACT PHONE ()		ID NO. (SOC. SEC. / OP. LIC. / FBI / CII) [REDACTED]		SF NO. / X NO.	
BOOKING SECTIONS / CHARGE # 1	CHARGE # 2	CHARGE # 3	CHARGE # 4	WHERE BOOKED	
WARRANT #	COURT #	ACTION #	DEPT / ENROUTE TO	CWB CHECK (PRINT NAME / STAR)	
WARRANT VIOLATION(S)			BAIL	MIRANDIZED YES <input type="checkbox"/> NO <input type="checkbox"/>	STAR
CITATION #			CITE VIOLATION(S)	DATE / TIME OF APPEARANCE	LOCATION OF APPEARANCE
SCHOOL NAME IF JUVENILE			J # / D #	BOOK / CITE APPROVED BY (PRINT NAME / STAR)	
M X-RAYS YES <input type="checkbox"/>	MASS ARREST CODE	OTHER INFORMATION: CITATION / WARRANT / BOOKING CHARGE(S) / MISSING PERSON - SUBJECT DESCRIPTION RELEASED PER 849 (b) PC			
WEARING BLK HNT CAP, BLK JKT AND BLK PANTS					ADD'L SUBJ.'S <input type="checkbox"/>

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 _____

110F11

Upon reporting to duty on December 29, 2006 I reviewed Officer Kasper 68 report regarding an Investigative detention of D [REDACTED] on 12-28-06. I also later spoke with Officer Kasper regarding his report. I asked Officer Kasper about some of the statements that [REDACTED] made on 12-28-06 and Officer Kasper stated he did not here all the statements made by [REDACTED]

On 12-28-06 I responded to 12 Ave and Judah St. on a resister from 3113D Officers Healy 579 and Kasper. Also several other Officers were at the scene. While speaking with [REDACTED] he told me that the Police Department were racist. [REDACTED] stated that the Police Department is just a gang with guns. [REDACTED] stated that the Police Department is racist because he had not done anything wrong. [REDACTED] stated that he observed a White female driving around the area approximately six to seven times. [REDACTED] stated he observed the female on her cell phone and he knew that she was calling the Police regarding him. [REDACTED] stated that he knew that she calling the Police because he [REDACTED] is a large black man, who happen to be wearing dark clothes and ski cap. [REDACTED] stated he was also working on old vehicle that is suspicious to some people. [REDACTED] stated that he knew the Police would responded and he wanted to see how far the Police would go and buying into the White female racism. I asked [REDACTED] why he did not initially tell the Police that the vehicle was his, when the first Officers made contacted with him. [REDACTED] stated that he was a large male and could take care of himself. [REDACTED] stated that at any time he could have taken care of the Officers because of his size versus the Officers size. [REDACTED] stated that if he wanted to he could have beaten the Officers. [REDACTED] stated that he was in control of the situation at all time. [REDACTED] kept stating the Police was racist because they were responding to the white female call and he also wanted to see how far the police would go. [REDACTED] wanted to make a complaint against the Officers because they responded to the white female call and brought into her racist of black males. [REDACTED] also stated that he wanted to speak with his attorney because he was going to get paid for this incident.

At the scene [REDACTED] stated that handcuffs were unconformable because the way he was sitting down on the handcuffs. [REDACTED] was helped to standup on his feet. Later [REDACTED] stated that the handcuffs left marks on his wrists. [REDACTED] refused to let us photograph his wrists.

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch 1117) I hereby certify that the taking into custody of [REDACTED] on 1-10-07 at 2:17

by the SFPD Subject's name [REDACTED] Releasing Agency was a detention only, not an arrest. [REDACTED] was released on 1-10-07 at [REDACTED]

by the SFPD Subject's name [REDACTED] Releasing Agency pursuant to the provision of:

Paragraph (1) of subdivision (b) Penal Code Section 849; Paragraph (3) of subdivision (b) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name [REDACTED] Title G-2 Unit 3111

Officer's Signature [REDACTED] Star 41

Releasing Officer Superior

Original to citizen. Copy to Record Room. Attach additional copy to citation. SFPD 184 Rev

SAN FRANCISCO POLICE DEPARTMENT

RMS-Original

INCIDENT REPORT HEADING

INCIDENT NO. [REDACTED] ARREST MADE SUSP. KNOWN SUSP. UNK NON-SUSP. INCIDENT page 1 of 1

TYPE OF INCIDENT: SUPP RPT- INVESTIGATIVE DETENTION INITIAL CAD NO. [REDACTED] SUPP.

REPORTING UNIT: 31200 DATE / TIME OF OCCURRENCE: 12-28-06 2220 DATE / TIME REPORTED TO POLICE: 12-28-06 2220 RELATED CASE NUMBER(S):

LOCATION OF OCCURRENCE: JUDAH & 12th AV TYPE OF PREMISES: AUTO REPAIR SHOP LOCATION SENT TO: SAME

REPORTED TO BUREAU / OPB CENTER (NAME / STAR / DATE / TIME): DOMESTIC VIOLENCE (TYPE WEAPON USED): ELDER ABUSE: GANG RELATED: JUVENILE SUBJECT: PREJUDICE BASED:

I DECLARE, UNDER PENALTY OF PERJURY, THIS REPORT OF 2 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.

REPORTING OFFICER (PRINT): DOSS, ROBERT ATAS 1566 SIGNATURE: [REDACTED] STATION: TARAVAL REPORT REVIEWED BY (PRINT NAME / STAR): SGT DOSS 1566 OIC APPROVAL (PRINT NAME / STAR): SGT DOSS 1566 WATCH: 15701

ASSIGN TO: 31200 INCIDENT CODES: SUPP. ASSIGNED BY (PRINT INITIAL / STAR): RD 1566 HOW CLEARED: COPIES TO (NAME OF UNIT): CO II COPY TO: A B C ICSS ENTRY:

RP CODES: F - FOUND; N - NOTIFY; P - PARENT; R - REPORTEE; V - VICTIM; W - WITNESS RACE CODES: A; B; F; H; I; O; U; W

CODE: R NAME (LAST, FIRST, MIDDLE) / FIRM NAME IF BUSINESS: [REDACTED] RACE: SEX: DOB / AGE: RESIDENCE: [REDACTED]

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: ZIP CODE: RP'S RELATIONSHIP TO SUBJECT:

EXTENT OF INJURY / TREATMENT: VIOLENT CRIME NOTIFICATION STAR: FOLLOW-UP FORM: STATEMENT: YES NO N/A YES YES

OTHER INFORMATION / IF INTERPRETER NEEDED SPECIFY LANGUAGE:

SIGNATURE OF PARTY REPORTING MISSING PERSON: 293 PC NOTIFICATION (SEX OFFENSE CASE ONLY) YES CONFIDENTIALITY REQUESTED STAR: YES NO ADD'L RP'S: C

SUBJECT CODES: A - ADMONISHED; B - BOOKED; C - CITED; D - DETAINED; E - EXONERATED; M - MISSING; S - SUSPECT; X - DIVERTED RACE CODES: A; B; F; H; I; O; U; V

CODE: D1 NAME (LAST, FIRST, MIDDLE): [REDACTED] RACE: B SEX: M DOB / AGE: [REDACTED] ALIAS: [REDACTED]

HEIGHT: 6-1 WEIGHT: 200 HAIR COLOR: [REDACTED] EYE COLOR: [REDACTED] RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO: ZIP CODE:

HOME / CONTACT PHONE: ID NO. (SOC. SEC. / CP, LIC. / FBI / CI): SF NO. / X NO.:

BOOKING SECTIONS / CHARGE #1: CHARGE #2: CHARGE #3: CHARGE #4: WHERE BOOKED:

WARRANT #: COURT #: ACTION #: DEPT. / ENROUTE TO: CWB CHECK (PRINT NAME / STAR):

WARRANT VIOLATION(S): BAIL: MPRANDIZED: STAR: STATEMENT: YES NO YES

CITATION #: DATE VIOLATION(S): DATE / TIME OF APPEARANCE: LOCATION OF APPEARANCE:

SCHOOL NAME IF JUVENILE: J & D: BOOK / CITE APPROVED BY (PRINT NAME / STAR):

X-RAYS: MASS ARREST CODE: OTHER INFORMATION: CITATION / WARRANT / BOOKING CHARGE(S) / MISSING PERSON - SUBJECT DESCRIPTION: RELEASED PER 849 (b) PC WEARING BLK HNT CAP, BLK JKT AND BLK PANTS

ADD'L SUBJ'S: C

PRIVATE PERSONS 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 PERSONS ARREST FORM ATTACHED

San Francisco Police Department
Supp. Incident Report

page 2 of 2

Upon reporting to duty on December 29, 2006 I reviewed Officer Kasper 68 report regarding an Investigative detention of D/ [REDACTED] on 12-28-06. I also later spoke with Officer Kasper regarding his report. I asked Officer Kasper about some of the statements that [REDACTED] made on 12-28-06 and Officer Kasper stated he did not here all the statements made by [REDACTED]

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At the scene [REDACTED] stated that handcuffs were unconformable because the way he was sitting down on the handcuffs. [REDACTED] was helped to standup on his feet. Later [REDACTED] stated that the handcuffs left marks on his wrists. [REDACTED] refused to let us photograph his wrists.

S063623433 A 852 JUDAH ST/12TH AV,SF (D=3I 698 JUDAH/1399 12TH) I1

22:17:54 CT09 ENTRY RP: [REDACTED] #W911-NEXTEL
 [REDACTED] PH: [REDACTED] \ORIGIN:E911\TX:MALE BROKE INTO
 VEH & NOW UNDER THE HOOD TRYING TO TAKE BATTERY...BMA
 6'2 LSW DARK WATCHCAP, DARK COAT.....SUBJ STILL 97 UNDER
 THE HOOD....RP LEAVING THE AREA....UNIT TO CHECK

22:17:54 CT09 PRIOR 585 12/03/06 S1201 (7 MORE)

22:18:23 DP03 MISC BC'D A11

22:18:45 DP06 BRDCAST 063623433 A 852 JUDAH ST/12TH AV,SF 10-8: 2R03I 3I00
 3I1D 3I1E 3I11E 3I13D 3I13E 3I15D

22:18:47 DP06 DISP-ENR 3I16E:P

22:18:47 DP06 PERS-ID 3I16E <[REDACTED]>PHILLIPS JOSHUA T/1697 <[REDACTED]>KROOS
 DANIEL R/0546

22:19:32 M224 BACK-ENR 3I16E 3I11E:P

22:19:32 M224 PERS-ID 3I11E <[REDACTED]>PORTA JOSEPH J/0209

22:20:42 DP11 BACK-ONS 3I16E 3I13D:P

22:20:42 DP11 PERS-ID 3I13D <[REDACTED]>HEALY KEVIN E/0579 <[REDACTED]>KASPER JON
 M/0068

22:21:21 DP11 MISC 3I13D, 148

22:21:56 DP11 CODE-4 3I13D, SIC

22:22:16 DP11 BACK-ENR 3I13D 3I100:S

22:22:16 DP11 PERS-ID 3I100 <[REDACTED]>DOSS ROBERT M/1566

22:22:22 M432 BACK-ENR 3I13D 3I13E:P

22:22:22 M432 PERS-ID 3I13E <[REDACTED]>KRISTAL JASON W/4217 <[REDACTED]>LEE
 JIMMY/2218

22:23:06 DP11 QUERY Q 3I13D LP [REDACTED]

22:23:30 DP11 APPD-MSG [REDACTED]

22:24:14 M304 ONSCENE 3I16E

22:25:47 M222 QUERY N 3I13D [REDACTED]

22:27:30 DP11 ONSCENE 3I100

22:28:33 M224 QUERY N 3I11E [REDACTED]

22:29:33 M222 QUERY R 3I13D [REDACTED]

22:30:12 M224 QUERY H 3I11E [REDACTED]

22:31:03 DP06 PREEMPT 3I16E
 22:32:46 M432 CLEAR 3I13E
 22:39:35 DP11 PREEMPT 3I13D
 22:52:51 DP11 CLEAR 3I100 HAN
 23:01:05 M224 CLEAR 3I11E HAN
 23:01:05 M224 CLOSE
 23:16:34 DP11 REOPEN
 23:16:37 DP06 HOLD
 23:16:44 DP11 DISP-ENR 3I13D:P
 23:16:44 DP11 PERS-ID 3I13D <[REDACTED]>HEALY KEVIN E/0579 <[REDACTED]>KASPER JON
 M/0068
 23:16:49 DP11 REQCC 3I13D 061373628 assigned
 23:17:03 DP11 CHGLOC 3I13D CO I

12/29/06

00:40:52 DP11 CLEAR 3I13D HAN
 00:40:52 DP11 CLOSE

Call Recap:

INITIATE: 22:14:25 12/28/06 CALL NUMBER: #3433
 ENTRY: 22:17:54 CURRENT STATUS: CLOSED
 DISPATCH: 22:18:47 PRIMARY UNIT: 3I13D
 ON SCENE: 22:20:42 [REDACTED]
 CLOSE: 00:40:52 12/29/06 DISPOSITION: HAN
 ADDRESS: JUDAH ST/12TH AV,SF (D=3I 698 JUDAH/1399 12TH)
 DAREA: 3I
 SECTOR: I1 TYPE: 852 AUTO BOOST/STRIP
 RA: 908C PRIORITY: A
 FIRE: 7347 PRIOR HISTORY

OPERATOR ASSIGNMENTS: CT09 [REDACTED]
 DP03 [REDACTED]
 DP06 [REDACTED]
 M224 [REDACTED]
 DP11 [REDACTED]
 M432 [REDACTED]
 M304 [REDACTED]
 M222 [REDACTED]
 AS OF 22:31:03: DP06
 AS OF 23:16:44: DP11
 AS OF 00:40:52: DP11

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap
Director

APR 20 2007

DATE: 2-14-07

TO: CUSTODIAN OF RECORDS
Communications

FROM: Kerol Heppe
Investigator, OCC

SUBJECT: Request for Communications Data

I am currently investigating an O.C.C. complaint. I would like to review the data described as follows:

DATE: _____ TIME: _____

NAME(IF AVAILABLE) _____

TELEPHONE NUMBER _____

MATERIAL REQUESTED One Copy CAD CD



DESCRIPTION OF THE INCIDENT _____

Thanks

OCC CASE # 2006-07

I would appreciate receipt of the above data as soon as possible. Thank you for your cooperation. Please call me if you have any questions. I can be reached at (415) 597-7711.

COMDATA DEC

ct09 inaudible/volumn/reportee/ [REDACTED]
rpt. re: Judah &
subj. breakq into veh.
in the hood
Black, male, dark coat
veh.:

dp06 Judah & 12
broke into hood taking batteries
Judah & 12th
reportee leaving the area

dp 11 2219 G11811E
903
16D
I13D Judah & 12th
" we got 1 detained
" 148
I16D
I13D Code 4
Got him in cuffs
I13D [REDACTED] run a plate
Registration to
32 T Umo
out of Hayward

dp11 2227 nothing

dp11 2313 I13 D @ 12th & Judah
reassigned IR #

Tiburon, Inc. UNIT HISTORY DETAIL FOR 3I11E 01-10-07
SAN FRANCISCO POLICE 15:32

ON DUTY: 21:16:23 12/28/06 DAREA: 3I CONTROL: 3I MID: M224 FK:
OFF DUTY: 06:50:17 12/29/06 VEHICLE: B1066

Taraval Station - Motorized Patrol

RADIO: 1: 00713095

ID # 1 [REDACTED] PORTA JOSEPH J

21:16:23 SLON ON-DUTY ID: [REDACTED] NAME: PORTA JOSEPH J/0209 BEAT: I1 VEHICLE: B1066
RADIO: 00713095

21:17:27 M224 OPER-ON [REDACTED]

21:20:44 M224 QUERY H 37487/L

21:21:07 M224 QUERY H QV

21:23:06 DP06 DISP-ENR S063623256 B/910 78 JULES AV, SF

21:33:18 M224 ONSCENE

21:37:08 DP06 MISC C/B FOR BETTER 10-20

21:37:30 DP06 MISC NO PAY FONE...UTL

21:37:35 DP06 CLEAR UTL

21:43:44 M224 QUERY H [REDACTED]

22:19:32 M224 BACK-ENR S063623433 A/852 JUDAH ST/12TH AV, SF

22:28:33 M224 QUERY N [REDACTED]

22:30:12 M224 QUERY H [REDACTED]

23:01:05 M224 CLEAR HAN

23:18:57 DP06 DISP-ENR S063623564 C/415 748 NORIEGA ST, SF

23:34:32 DP06 PREEMPT

23:34:32 DP06 DISP-ENR S063623633 B/100A 130 SAINT ELMO WY, SF

23:40:19 M224 ONSCENE

OPERATOR ASSIGNMENTS: M224 [REDACTED]
DP06 [REDACTED]
AS OF 23:18:57: DP06 [REDACTED]
AS OF 23:34:32: DP06 [REDACTED]

Tiburon, Inc. UNIT HISTORY DETAIL FOR 3I13D
SAN FRANCISCO POLICE

01-10-07
15:32

ON DUTY: 15:53:04 12/28/06 DAREA: 3I CONTROL: 3I MID: M222 FK:
OFF DUTY: 00:51:08 12/29/06 VEHICLE: B1126

Taraval Station - Motorized Patrol

RADIO: 1: 00701131 2: 00701132 3: 00716019

ID # 1 [REDACTED] HEALY KEVIN E

ID # 2 [REDACTED] KASPER JON M

21:02:09 M222 MISC MET WITH 909, SEARCHING AREA

21:06:24 M222 QUERY R LAAAA/L

21:07:50 M222 QUERY R [REDACTED]

21:10:48 M222 CLEAR GOA

21:11:44 DP06 DISP-ONS S063623220 C/415 1250 28TH AV,SF

21:18:28 M222 CLEAR ADV

21:50:03 M222 QUERY R [REDACTED]

21:53:16 M222 QUERY R [REDACTED]

22:13:12 M222 QUERY R [REDACTED]

22:13:14 M222 QUERY R [REDACTED]

22:13:20 DP06 TFC-STOP S063623413 C/585 14TH AV/QUINTARA ST @7Z76373/C

22:17:06 M222 CLEAR ADV

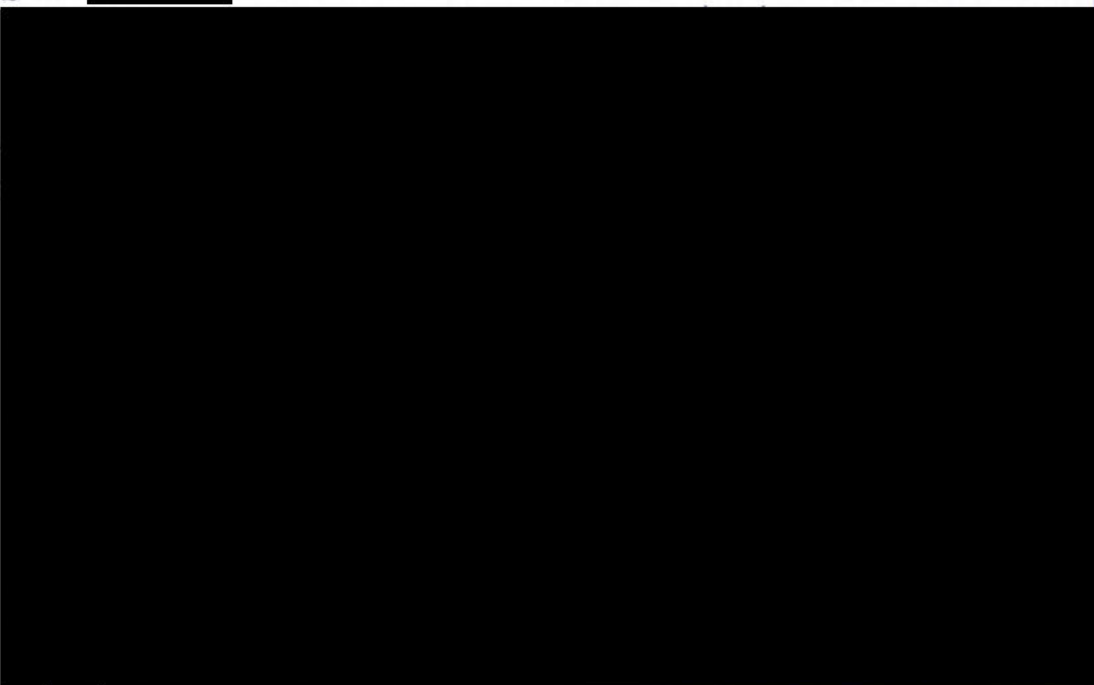
22:20:42 DP11 BACK-ONS S063623433 A/852 JUDAH ST/12TH AV,SF

22:21:21 DP11 MISC 148

22:21:56 DP11 CODE-4 SIC

22:23:06 DP11 QUERY Q LP [REDACTED]

22:23:30 DP11 APPD-MSG



[REDACTED]

22:25:47 M222 QUERY N [REDACTED]
22:29:33 M222 QUERY R [REDACTED]
22:39:35 DP11 PREEMPT

22:39:35 DP11 BACK-ENR S063623480 A/459 415 URBANO DR,SF
22:52:17 DP11 REQCC 061373559 assigned
22:58:43 M222 QUERY R [REDACTED]
23:01:15 DP06 CLEAR HAN

23:01:25 DP06 OUT S063623547 CO/7A CO I, FU FOR 12TH/JUDAH
23:16:44 DP11 PREEMPT

23:16:44 DP11 DISP-ENR S063623433 A/852 JUDAH ST/12TH AV,SF
23:16:49 DP11 REQCC 061373628 assigned
23:17:03 DP11 CHGLOC CO I

OPERATOR ASSIGNMENTS: M222 [REDACTED]
DP06 [REDACTED]
DP11 [REDACTED]
AS OF 23:16:44: DP11 [REDACTED]

Tiburon, Inc. UNIT HISTORY DETAIL FOR 3I100 01-10-07
SAN FRANCISCO POLICE 15:33

ON DUTY: 21:00:17 12/28/06 DAREA: 3I CONTROL: 3I MID: FK:
OFF DUTY: 01:00:06 12/29/06 VEHICLE:C101

Taraval Station - Patrol Sergeant

RADIO: 1: 00701124

ID # 1 [REDACTED] DOSS ROBERT M

21:00:17 SLON ON-DUTY ID:[REDACTED] NAME:DOSS ROBERT M/1566 BEAT:I0 VEHICLE:C101
RADIO:00701124

21:47:29 DP06 ACKUNIT

22:22:16 DP11 BACK-ENR S063623433 A/852 JUDAH ST/12TH AV,SF

22:27:30 DP11 ONSCENE

22:52:51 DP11 CLEAR HAN

OPERATOR ASSIGNMENTS: DP06 [REDACTED]
DP11 [REDACTED]

Tiburon, Inc.

UNIT HISTORY DETAIL FOR 3I16E

01-10-07

SAN FRANCISCO POLICE

15:33

ON DUTY: 21:00:17 12/28/06 DAREA: 3I CONTROL: 3I MID: M304 FK:

OFF DUTY: 07:06:33 12/29/06 VEHICLE:B572

Taraval Station - Motorized Patrol

RADIO: 1: 00713943 2: 00713199 3: 00715940

ID # 1 [REDACTED] PHILLIPS JOSHUA T

ID # 2 [REDACTED] KROOS DANIEL R

21:00:17 SLON ON-DUTY ID:[REDACTED] NAME:PHILLIPS JOSHUA T/1697 ID:[REDACTED]
NAME:KROOS DANIEL R/0546 BEAT:I6 VEHICLE:B1125
RADIO:00713943/00713199/00715979

21:33:12 M304 OPER-ON [REDACTED]

21:38:37 DP06 DISP-ENR S063623302 B/418 3075 24TH AV,SF

21:38:58 SLON MOD-LGON VEHICLE:B572 RADIO:00713943/00713199/00715940

21:47:46 M304 ONSCENE

21:52:27 M304 CLEAR HAN

21:52:30 M304 MISC SUSPECT NOT 97 ADVISED TO CALL BACK IF HE RETURNS.

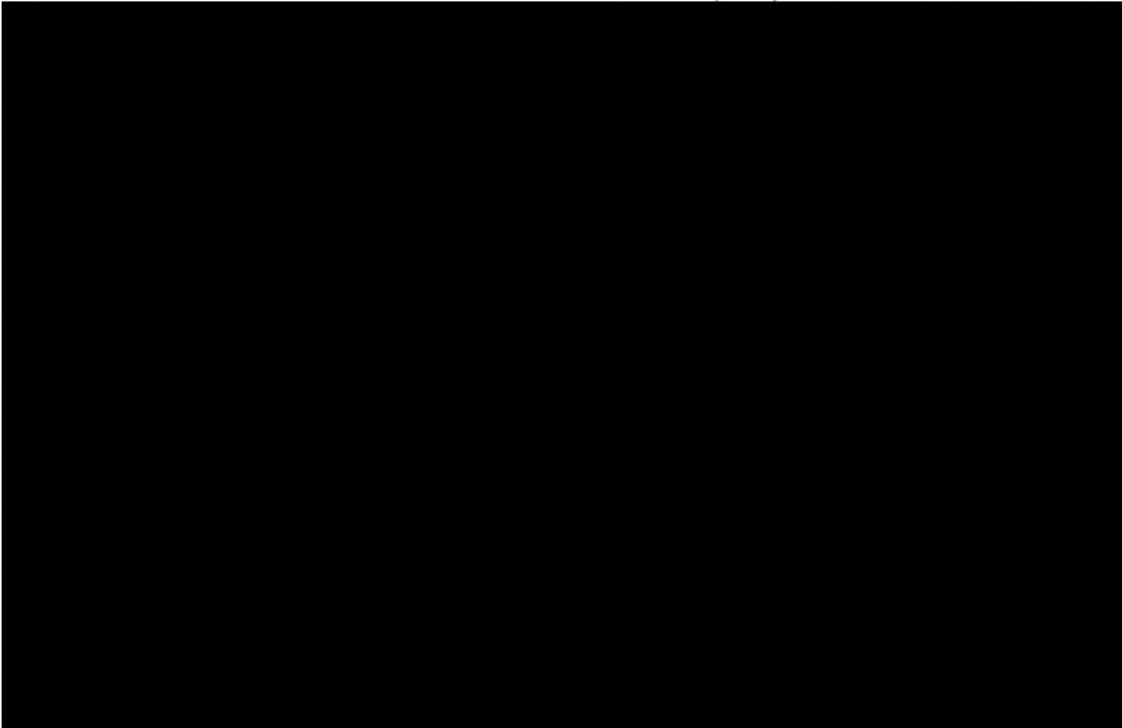
22:18:47 DP06 DISP-ENR S063623433 A/852 JUDAH ST/12TH AV,SF

22:24:14 M304 ONSCENE

22:31:03 DP06 PREEMPT

22:31:03 DP06 BACK-ENR S063623462 A/245 GREAT HY/ORTEGA ST,SF

22:33:08 DP11 APPD-MSG



22:35:22 DP11 ONSCENE

22:40:29 M304 CLEAR UTL

22:43:22 DP06 DISP-ENR S063623502 A/459 [REDACTED]

22:56:38 DP06 MISC NEVER CAME 97 [REDACTED]

22:56:40 DP06 PREEMPT

22:56:40 DP06 DISP-ENR S063623474 B/807 [REDACTED]

23:14:47 M304 ONSCENE

23:18:32 DP11 REQCC 061373634 assigned

23:30:40 M304 CLEAR REP

23:46:24 DP11 DISP-ENR S063623641 C/807 [REDACTED]

23:47:14 M304 ONSCENE

23:47:18 DP06 PREEMPT

23:47:18 DP06 DISP-ENR S063623645 B/418 [REDACTED]

23:47:58 DP06 PREEMPT

23:48:06 DP06 DISP-ENR S063623641 C/807 [REDACTED]

OPERATOR ASSIGNMENTS: M304 [REDACTED]

DP06

AS OF 22:18:47: DP06

AS OF 22:31:03: DP06

DP11

AS OF 23:18:32: DP11

AS OF 23:47:18: DP06

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received
1-2-07 [0][0][0][6][0][7]

Complaint Against: Personnel Policy Procedure
How Received: Person Phone Letter SFPD Mail-in Other (specify)

2 Primary Complainant: Co-Complainant
[Redacted Name]

HOME ADDRESS: [Redacted Address]

WORK ADDRESS: [Redacted Address]

3 Personal Information
Age: 32 Date of Birth: [Redacted]
Sex: MALE
Ethnicity: AFRICAN-AMERICAN
Occupation: PHYSICIAN

4 Telephone Numbers:
Home: [Redacted]
Work: [Redacted]

5 Location of Occurrence: EMERALD AUTO, CORNER OF 12th AVENUE & JUDAH STREET - 40-50 feet from my residence (SAN FRANCISCO)

6 Type of Place: AUTO SHOP
7 District: INNER SUNSET

8 Day, Date, & Time Of Occurrence: THURSDAY, 12/28/2006 - 2:20 HRS
A.M. P.M.

9 [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
Photos Taken? Yes No By: Photo Lab O.C.C. Other: HOSPITAL
Type of Injury: Right Left wrist abrasion/contusion
Headache secondary to fall
Medical Release Signed? Yes No

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
					See attached OCC Allegation Continuation form			M	White

22 NARRATIVE OF INCIDENT: PLEASE SEE ATTACHED SHEET.

See Reverse side →

(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 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. THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date: [Redacted] 12/29/2006
Taken By (Name/#Unit)/Date: K Heffe 1-2-07
Closure Approval/Date:

POST 1-17-07

OCC #
0006-07

OCC ALLEGATION CONTINUATION FORM

My name is [REDACTED] resident at [REDACTED] San Francisco. On Thursday 12/28/2006 at approximately 10:00 PM, I was under the hood of my car when I was approached by two white male police officers. They immediately placed me under arrest without asking any questions. The following is an account of the events that transpired that evening:

I am under the hood of my car a few feet from my house. Suddenly, I am approached by two Caucasian police officers; I am told I was being placed under arrest the reason unbeknown to me. I am certain this was a mistake and as I tried to communicate with the officers I was swiftly told to 'shut up' and told that I am 'under arrest'. I continue to question what is unfolding, but my oppressors only become more aggressive and agitated. As I offer no resistance they place me in handcuffs and they brutally shoved my body against my vehicle. They squeeze my fingers and flex my wrists with excessive force. They force my bound wrists rostraly with the intention to inflict more pain. I squirm in pain fearing what may happen next. I plead multiple times asking them to loosen the cuffs and ease my pain. I ask them to be gentle, compassionate, and to show me some respect as I continue to plead my innocence which all fell on deaf ears. I ask them what I am being charged with and their response was to squeeze the cuffs a little bit more. As I am living this nightmare, I am able to keep my composure and answer all questions accurately and give them all the information they request. As they searched my vehicle with no regard for my personal belongings, I offer them the title to my vehicle, which is in my house. But they are confident I am a criminal and pay no attention to my words. The younger officer kicks me with the front of his boot on the lateral aspect of my right lower extremity. I ask him why he kicked me, and he says, "I am doing my job".

Two more Caucasian male officers arrive. Still in handcuffs I look on helplessly as big tall white male approaches me. Without a word he strikes me with a closed fist on the right lateral aspect of my chest. I lose my balance, fall and strike my head against the concrete. His fellow officers look on but no one says a word. I regain my composure and enquire why he punched me and he says "because I want to!" I am amazed by his boldness, confidence, and outright defiance of the law. No one tries to help. I demand his identification number but he only scoffs at my request and mocks at me asking if "I like meth." I am bewildered by his inquisition and could not believe what I heard; I ask him to repeat himself. In disbelief of all that was happening, my thoughts focus on the severe pain from my wrists (which now bear the bulk of my weight) but no one cares to respond to my cries for help. I begin to think, maybe the officers do not realize how intimidating they are or maybe they do not realize that they carry the power of life and death. Due to their outright defiance of the law and gang/mafia-mentality, I reminded the officers that I have no enemies so if anything happens to me they would be held accountable. If this is what occurs while it is daylight, I fear what they could do when no one was watching.

Finally the supervisor, an African American male arrives. They pull me up to my feet and he questions me further. I am led in handcuffs to my house. I break down in tears as neighbors look on. I feel violated, demoralized, embarrassed and powerless. In the confusion I asking myself 'what did I do wrong to deserve this?' My roommate sees me and identifies me as his roommate. I locate the title for the officers. They review the title and question me further. With my broken spirit I beg them one last time to be released from the bondage of the handcuffs and they finally come off leaving bruises on my wrists. Without an apology, an explanation or any signs of regret or remorse they gathered their belongings and depart.

As I reflect back on this incident, the officers who assaulted me cannot be trusted to protect our communities. They are dangerous and cannot be allowed to carry the power of life and death. Being a police officer requires self-control, discipline and the utmost regard for the law. The officers who stood by silently are just as guilty as those who assaulted me. I was unjustly targeted (as a young black male in a predominantly Caucasian neighborhood), physically assaulted, and emotionally traumatized by those charged to protect me. My question is who was being protected and served in this situation?

I was arrested and searched without a warrant or my consent; my personal property was destroyed; my privacy was violated and worst of all I was subject to physical, emotional, and verbal abuse. The comfort and openness with which these officers committed their crimes makes me extremely concerned about the integrity of the SFPD. As a consequence I feel my rights were violated, I am therefore filing a complaint and pressing criminal charges against those officers and the San Francisco Police Department. Any further inquiries should be directed toward my attorney.

[REDACTED]
[REDACTED] 01/02/2007 17

OCC CASE NO. 0006-07 COMPLAINANT: [REDACTED]


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
/		/		//	" "			/	
/		/		//	" "	//		/	/
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




Allegations against this officer include:

Unnecessary Force used during detention.

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

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0006-07 COMPLAINANT: 

(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
09	UF		/	Q2	Jon Kasper #68	31		M	I
"			/	"	" #68	"		"	"
"			/	"	" "	"		"	"
"			/	"	" "	"		"	"
"			/	"	" "	"		"	"
"			/	"	" "	"		"	"

DESCRIPTION: _____

Allegations against this officer include:

- * Unnecessary Force used during detention.







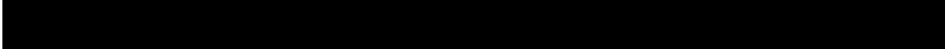

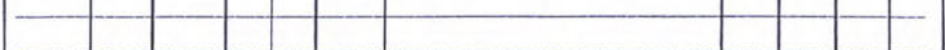












OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0006-07 COMPLAINANT: 


(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
									
									
									
									
									
									
									
									
									

DESCRIPTION: _____

Allegations against this officer include:





over 

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0006-07 COMPLAINANT: [REDACTED]

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
[REDACTED]									

DESCRIPTION: _____

[REDACTED]



GAVIN NEWSOM
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



HEATHER J. FONG
CHIEF OF POLICE

July 3, 2007

Ms. Jean Field, Acting Director
Office of Citizen Complaints
480 Second Street, Suite 100
San Francisco, CA 94107

RECEIVED
11/1/07

RE: Attached Civil Action Notification, File 0703311

Dear Director Field:

We have received the attached civil claim and are forwarding it for citizen complaint evaluation by the Office of Citizen Complaints. If your office has already received a complaint in this matter, please disregard.

NOTE: This document was prepared on the above-referenced date; however, it was not sent then pending Police Commission direction on the nature of these issues.

Sincerely,

JERRY TIDWELL
Director
Risk Management Office

Attachment

006-07
Ktl
closed

CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

Before completing this form, please read the instructions on the back. You have only **6 months** from the date of incident to submit this form and supporting documentation to the Controller or the Clerk of the Board of Supervisors.

1. Claimant's Name and Home Address (Please Print Clearly) [REDACTED] City [REDACTED] Zip [REDACTED] Telephone [REDACTED]	2. Send Official Notices and Correspondence to: LAW OFFICES OF JOHN L. BURRIS 7677 OAKPORT ST., SUITE 1120 City OAKLAND Zip 94621 Telephone (510) 839-5200
---	---

3. Date of Birth SEE ATTACHMENT	4. Social Security Number SEE ATTACHMENT	5. Date of Incident 12/28/2006	6. Time of Incident (AM or PM) 2200 hours
---	--	--	---

7. Location of Incident or Accident EMERALD AUTO, 12th AT JUDAH STREET	8. Claimant Vehicle License Plate #, Type and Year SEE ATTACHMENT
--	---

9. Basis of Claim. State in detail all facts and circumstances of the incident. Identify all persons, entities, property and City departments involved. State why you believe the City is responsible for the alleged injury, property damage or loss.

SEE ATTACHMENT

Name, I.D. Number and City Department of City Employee who allegedly caused injury or loss SEE ATTACHMENT	Type of City Vehicle SEE ATTACHMENT	Vehicle License Number and Bus or Train Number SEE ATTACHMENT
--	--	--

10. Description of Claimant's injury, property damage or loss

SEE ATTACHMENT

11. Amount of Claimant's property damage or loss and method of computation. Attach supporting documentation. (See Instructions)

ITEMS

OVER \$25,000	\$	_____
DISCOVERY IS STILL	\$	_____
CONTINUING	\$	_____
	\$	_____
TOTAL AMOUNT	\$	_____

Court Jurisdiction: Limited Civil Unlimited Civil

12. Witnesses (if any) Name	Address	Telephone
1. SEE ATTACHMENT	_____	_____
2. _____	_____	_____

13.

[Signature] _____ Date 6/27/2007
 Signature of Claimant or Representative

BENJAMIN NISENBAUM _____ ATTORNEY
 Print Name Relationship to Claimant

Do Not Write In This Space

RECEIVED
 07 JUN 28 PM 1:19
 CITY & COUNTY OF
 SAN FRANCISCO
 CONTROLLER

#3952 Jy

CA/FORM 2. 2/01

CRIMINAL PENALTY FOR PRESENTING A FALSE OR FRAUDULENT CLAIM IS IMPRISONMENT OR FINE OR BOTH. (PENAL CODE §72)

CLAIM OF [REDACTED]

*Pursuant to Government Code § 910 et seq.
Submitted to the City and County of San Francisco*

Name of Claimant: [REDACTED]

Date, Place and Circumstances of the Occurrence:

On the night of December 28, 2006, Claimant [REDACTED] currently a physician at [REDACTED] was assaulted and battered by several San Francisco Police Officers in the parking lot of "Emerald Auto", a mechanical auto repair shop located at the corner of 12th Avenue and Judah Street in San Francisco, California.

At the time of the subject-incident on December 28, 2006, Claimant was in the process of moving from San Francisco where he lived near [REDACTED] and where he was a medical school resident at [REDACTED]. Claimant had taken his old Acura Legend to Emerald Auto for repair where he knows the owners of the auto shop. Claimant had bought a second used 1991 Acura for spare parts to repair his old Acura Legend. The second Acura Legend began to break down, with the engine smoking, as Plaintiff drove toward Emerald Auto. Claimant was able to drive the Acura to Emerald Auto, where the owners had given him permission to drop the Acura off that night, even though Emerald Auto was closed at that hour. After opening the hood, Claimant determined that the Acura's water and oil were low. He closed the hood and walked several blocks to a Chevron station where he bought oil. On his way back to the vehicle Claimant stopped at a store and purchased a flashlight. Claimant also got water for the Acura from his apartment where his roommates still lived.

Claimant returned to Emerald Auto and opened the hood to put oil in the engine. Claimant noticed that a large American sedan circled the block several times.

While Claimant was under the hood of the Acura putting oil into the engine a marked San Francisco Police Department Vehicle pulled up to the lot of Emerald Auto. Two fully uniformed San Francisco Police officers exited the vehicle and approached Claimant. Claimant greeted the officers and the officers told Claimant to "Shut up." Without explanation, the officers ordered Claimant to drop his flashlight and turn around. They told Claimant that he was under arrest. Claimant turned around and asked the officers what he had done. Claimant told the officers that the Acura was his car and that he lived in the area. Claimant told the officers that he was a medical student. Claimant held his hands up after turning around in compliance with the officers' commands. One of the officers, who appeared younger than the other, took the flashlight from Claimant's hands and handcuffed Claimant's hands behind his back.

The younger San Francisco police officer, who was on Claimant's right side, pushed Claimant against the driver's side door of the Acura and applied a painful amount of

pressure to Claimant's right elbow. The officer moved Claimant's right arm in an unnatural motion upward and forward. The pain caused Claimant to yell that the officer was hurting him. Claimant asked again what the problem was. Claimant asked the officers to calm down, but neither officer responded to Claimant's request. Claimant had his physician's ink-stamp in his shirt pocket. Pressure applied by the officers caused the ink stamp to break.

The officers pat-searched Claimant and emptied his pockets. They removed Claimant's wallet and car keys. The older San Francisco Police officer began to search Claimant's Acura. Claimant asked the officers why they were searching his car and the younger San Francisco Police officer again told Claimant to "shut up." Without any provocation, the younger San Francisco Police officer suddenly kicked Claimant in the right leg above his ankle. Claimant asked the officer why he kicked him, and the officer responded, "Just doing my job." The younger officer yanked Claimant's identification badge from his waist. The badge was issued by Claimant's job and identified him as a doctor. The officer passed the badge to the older officer who was on the other side of the Acura. The officers did not respond to Claimant's request that they loosen his handcuffs.

Two other San Francisco Police officers arrived at the scene, including one noticeably large officer. That officer approached Claimant and punched him with a closed fist on the right side of Claimant's chest. The force of the punch caused Claimant to fall to the ground. Claimant asked the officer why he had punched him, and the officer responded, "Because I want to." The officer then asked Claimant several times if Claimant liked "meth." Claimant told the officers that did not use meth. The officers mocked claimant by laughing at him. Claimant asked the officers to send supervisor to the scene. An officer purporting to be a supervisor arrived about ten minutes later. That officer walked claimant to the nearby residence that he was moving out of, where the title to the car was located. The officers opened to the door to the residence with Claimant's keys and asked Claimant's roommate if he knew Claimant. Claimant's roommate told the officers that he did, and that he paid rent to Claimant. Claimant showed the officers his title to the Acura, and the officers removed the handcuffs and left the residence.

Claimant followed the officers out of the house and walked back to his Acura. Claimant found a cellular phone on the ground near the Acura and believed it to be one of the officers' phones. Claimant took the cellular phone to the Taraval police station, and the young-looking officer who had kicked Claimant in the leg claimed the cellular phone.

Claimant later was examined [REDACTED] but took the day off work. Claimant suffered pain in his right shoulder that grew worse over the next two days. Claimant's shoulder was monitored medically over the next two months until an MRI done February, after the shoulder failed to heal, showed a tear to Claimant's right rotator cuff. Surgery on the torn rotator cuff was performed on May 16, 2007, after Claimant completed his residency.

On January 2, 2007 Claimant filed a complaint with the Office of Citizen Complaints against the officers involved in the subject-incident. Claimant was never arrested or charged with a crime resulting from the subject-incident.

The detention, search and use of force against Claimant on or about December 28, 2006 was malicious, wanton and was done without any just provocation or cause, proximately causing Claimant's damages.

Claimant found it necessary to engage the services of private counsel to vindicate her rights under the law. Claimant is therefore entitled to an award of all attorneys' fees incurred in relation to this action for violation of his civil rights.

As a proximate result of the involved police officers' conduct, Claimant suffered assault and battery, excessive force, a torn rotator cuff and other physical injuries, severe and extreme emotional distress, physical, psychological and emotional injury, fear, terror, anxiety, humiliation, and loss of his sense of security, dignity, and pride as a United States citizen.

The actions and omissions of the CITY AND COUNTY OF SAN FRANCISCO and the unknown San Francisco Police Officer DOES were objectively unreasonable under the circumstances, without probable cause or consent or other legal right, done under color of law, within the course and scope of their employment as law enforcement officers and/or public officials, and pursuant to unconstitutional customs, policies and procedures of the City and County of San Francisco and/or other jurisdictions. The City and County of San Francisco was also responsible for Claimant's injuries through its own acts and omissions, negligent and otherwise, by failing to properly and adequately investigate, train, supervise, monitor, instruct, and discipline its law enforcement officers and/or employees and agents, including the officers and officials described herein.

The actions and omissions of Respondents constitute violations of Claimant's rights under the United States and California Constitutions, Civil Code §§ 43, 51.7, 52.1, 51.9, 52.4, 1708, 1708.5, 1708.8, Cal. Penal Code §§ 853.6, 4030, and other provisions of California codes and law, assault and battery, intentional infliction of emotional distress, invasion of privacy, negligent infliction of emotional distress, negligence, intentional torts, and other causes of action arising from this incident.

Claimant's Injuries and Amount of Damage Claimed:

Claimant sustained serious injuries, including but not limited to, physical injuries including a torn rotator cuff, invasion of privacy, assault and battery, excessive force, intimidation, fear, violation of rights, psychological injuries, and advantages, and other injuries and damage. Claimant's damages are in excess of the minimum jurisdictional limits of the San Francisco County Superior Court, and include physical pain and suffering, emotional distress, medical expenses, violation of rights, civil penalties, and exemplary and punitive damages.

Claimant claims compensatory, exemplary, and punitive damages, civil penalties, costs, interest, and attorneys' fees, and all other relief allowed by law in excess of \$25,000.00.

Identities of Public Employees Involved:

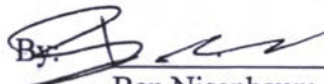
The officers involved in the wrongful conduct toward Claimant include the CITY AND COUNTY OF SAN FRANCISCO, San Francisco Police Officers, DOES 1-25, other currently unidentified individuals, and all officers, officials, and individuals involved in the

detention, use of force against and search of Claimant at the location and time period described herein. The names and identities of any other officers and individuals, if there are any, are unknown to Claimant at this time.

Person to Contact Regarding this Claim:

Please contact Claimant's attorney, Ben Nisenbaum, Law Offices of John L. Burris, Airport Corporate Centre, 7677 Oakport Street Suite 1120, Oakland, CA 94621, (510) 839-5200.

Dated: June 18, 2007

By: 
Ben Nisenbaum
Attorney for Claimant

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA
City Attorney

GLORIA SPURGEON-SMITH
Paralegal

DIRECT DIAL: (415) 554-4209

E-MAIL: gloria.spurgeon-smith@sfgov.org

January 22, 2008

Office of Citizen Complaints (OCC)
Director: Joyce Hicks
Attention: Linda Taylor/Administrative Staff
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102
(T)415-241-7711
(F)415-241-7733

Re: [redacted] vs. City and County of San Francisco, Heather Fong, [redacted]
[redacted] Jon Kasper, et al.
U.S.D.C. Case No. 07-cv-06336 BZ
Cause of Action: Civil Rights Violation; Unnecessary Force
Date of Incident: 12/28/06
SFPD Incident Report No. [redacted]
Our File No. 080698

0006-07

Linda:

One of the named defendant officers has advised that there was an OCC investigation into this incident. Could you please provide our office with the following, or let me know if it the item does not exist, regarding this incident of 12/28/06:

1.	Copy of Complaint Form (293 Form w/Narrative, Allegations, witness list and Dispositions)
2.	Officer Complaint History (Multiple Card-individual named member) Jon Kasper, #68 [redacted]
3.	Complete Case File including interview tapes
4.	Sustained Report (Sustained case only and supporting documents)
5.	Photographs, CDs, DVDs, other media, if any
6.	Investigator's Chronology (Work Summary only)

Very truly yours,

DENNIS J. HERRERA
City Attorney

Gloria Spurgeon-Smith
Gloria Spurgeon-Smith
Paralegal

Thank you!

January 31, 2008

The Office of Citizen Complaints provided the following documents to requestor:

Complete Case File, Officer Complaint History on each named member,
x3 Audio Tapes

L.T. 1/31/08

FOX PLAZA, 1390 MARKET STREET, 6TH FLOOR, SAN FRANCISCO, CALIFORNIA 94102

RECEPTION: (415) 554-3800 FACSIMILE: (415) 554-3837

SFDPA - 0006-07 - 000169

CONFIDENTIAL

MULTI-CARD - OFFICER COMPLAINT HISTORY

January 1, 1986 - December 14, 2007

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO



Officer Name: [REDACTED]

Star Number: [REDACTED]

Retire Date/Code:

Case ID	Asgm	Date Revd	UF	UA	CRD	ND	RS	SS	D	Date Clsd	Investigator	Department Action
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[REDACTED]												
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CONFIDENTIAL

MULTI-CARD - OFFICER COMPLAINT HISTORY

January 1, 1986 - December 14, 2007

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO



Officer Name: [REDACTED]

Star Number: [REDACTED] Retire Date/Code:

Case ID	Asgm	Date Rcvd	UF	UA	CRD	ND	RS	SS	D	Date Clsd	Investigator	Department Action
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[REDACTED]												
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Total Incident(s): [REDACTED]

CONFIDENTIAL

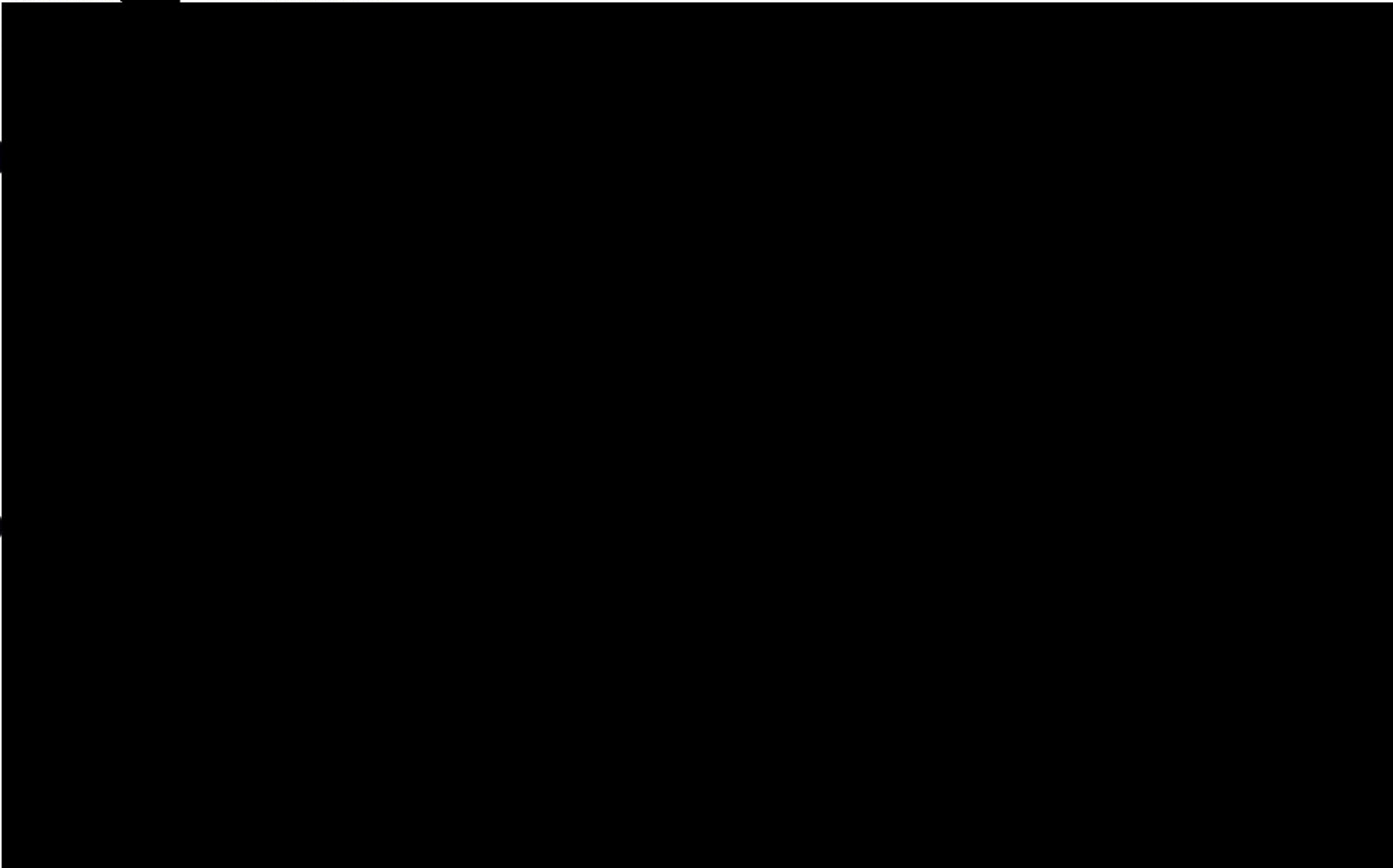
MULTI-CARD - OFFICER COMPLAINT HISTORY

January 1, 1986 - December 14, 2007

Officer Name: [REDACTED]

Star Number: [REDACTED]

Retire Date/Code:



CONFIDENTIAL

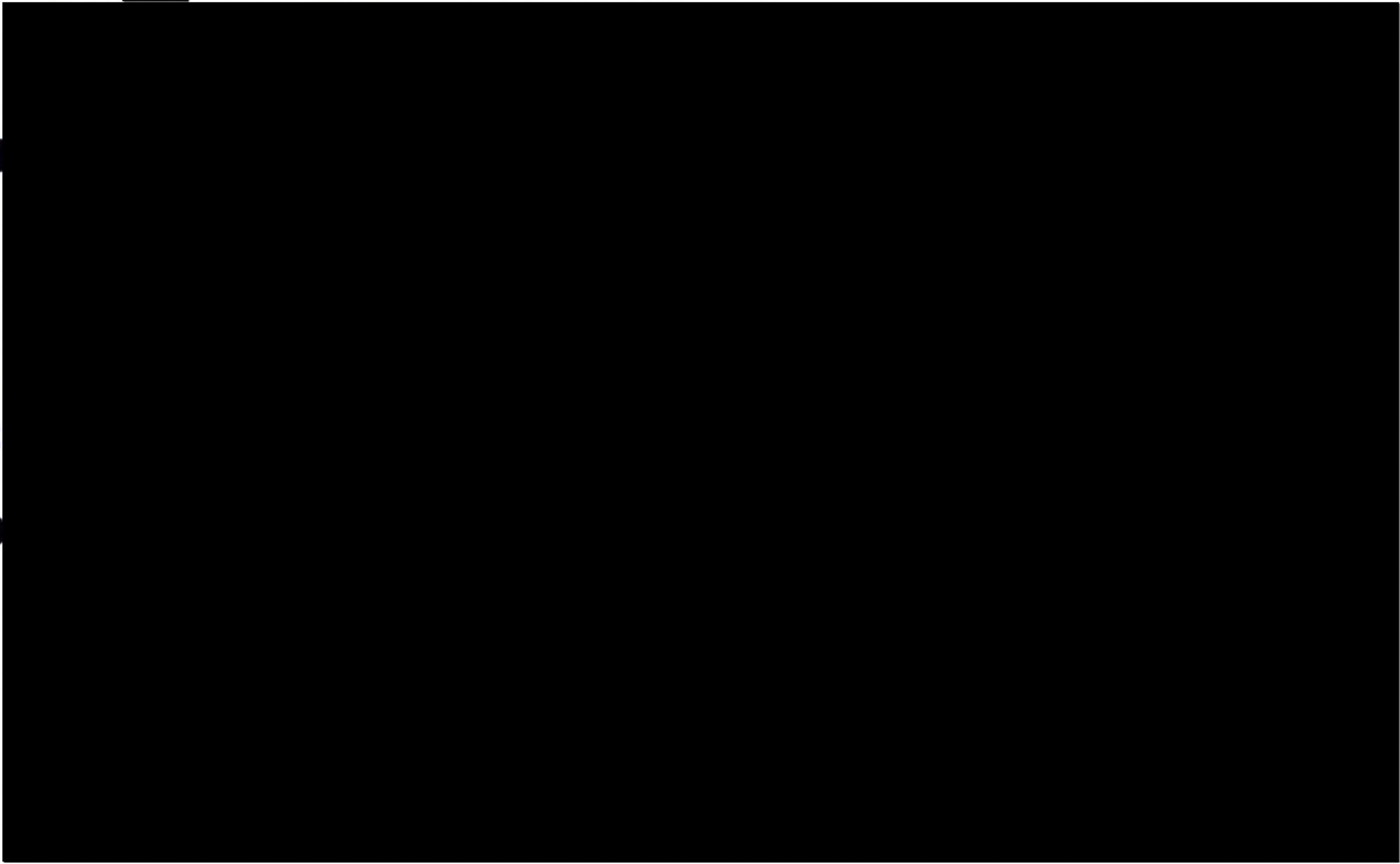
MULTI-CARD - OFFICER COMPLAINT HISTORY

January 1, 1986 - December 14, 2007

Officer Name: [REDACTED]

Star Number: [REDACTED]

Retire Date/Code:



CONFIDENTIAL

MULTI-CARD - OFFICER COMPLAINT HISTORY

January 1, 1986 - December 14, 2007

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO



Officer Name: [REDACTED]

Star Number: [REDACTED]

Retire Date/Code:



Total Incident(s): [REDACTED]

CONFIDENTIAL

MULTI-CARD - OFFICER COMPLAINT HISTORY

January 1, 1986 - December 14, 2007

Officer Name: [REDACTED]

Star Number: [REDACTED] Retire Date/Code:



Total Incident(s): [REDACTED]

CONFIDENTIAL

MULTI-CARD - OFFICER COMPLAINT HISTORY

January 1, 1986 - December 14, 2007

Officer Name: [REDACTED]

Star Number: [REDACTED] Retire Date/Code: 02/12/2007 B

Case ID	Asgm	Date Rcvd	UF	UA	CRD	ND	RS	SS	D	Date Clsd	Investigator	Department Action
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[REDACTED]												
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Total Incident(s): [REDACTED]

From: Linda Taylor/OCC/SFGOV

To:

Date: Friday, January 25, 2008 11:19AM

Subject: Review Case 0006-07 Documents - City Attorney Request

Chris:

Please copy [REDACTED] case #0006-07 dated 01-22-08 to Big Cases for Joyce to review.

Jean & Chris the case is copied to each of your personal folder in the scan documents.

The case involves/names Chief Heather Fong and four other officers.

I would like to finalize this request to the City Attorney office by 1/30/2008 if possible.

Please advise.

Linda Taylor
415-241-7711

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA
City Attorney

GLORIA SPURGEON-SMITH
Paralegal
DIRECT DIAL: (415) 554-4209
E-MAIL: glori.spurgeon-smith@sfgov.org

January 22, 2008

Office of Citizen Complaints (OCC)
Director: Joyce Hicks
Attention: Linda Taylor/Administrative Staff
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102
(T)415-241-7711
(F)415-241-7733

Re: [redacted] vs. City and County of San Francisco, Heather Fong, [redacted]
[redacted] Jon Kasper, et al.
U.S.D.C. Case No. 07-cv-06336 BZ
Cause of Action: Civil Rights Violation; Unnecessary Force
Date of Incident: 12/28/06
SFPD Incident Report No. [redacted]
Our File No. 080698 0006-07

Linda:

One of the named defendant officers has advised that there was an OCC investigation into this incident. Could you please provide our office with the following, or let me know if the item does not exist, regarding this incident of 12/28/06:

1.	Copy of Complaint Form (293 Form w/Narrative, Allegations, witness list and Dispositions)
2.	Officer Complaint History (Multiple Card-individual named member) Jon Kasper, #68 [redacted]
3.	Complete Case File including interview tapes
4.	Sustained Report (Sustained case only and supporting documents)
5.	Photographs, CDs, DVDs, other media, if any
6.	Investigator's Chronology (Work Summary only)

Thank you!

Very truly yours,

DENNIS J. HERRERA
City Attorney

Gloria Spurgeon-Smith
Gloria Spurgeon-Smith
Paralegal

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/2/07 **DATE OF COMPLETION:** 8/14/07 **PAGE#** 1 of 8

SUMMARY OF ALLEGATION #1 : [REDACTED]

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

FINDINGS OF FACT: [REDACTED]

SUMMARY OF ALLEGATIONS 2 and 4: The officers used unnecessary force.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officers denied seeing any unnecessary force. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/2/07 **DATE OF COMPLETION:** 8/14/07 **PAGE#** 2 of 8

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

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

FINDINGS OF FACT: [REDACTED]

SUMMARY OF ALLEGATIONS 5 - 8: [REDACTED]
[REDACTED]

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

FINDINGS OF FACT: [REDACTED]
[REDACTED]

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/2/07 **DATE OF COMPLETION:** 8/14/07 **PAGE#** 3 of 8

SUMMARY OF ALLEGATION #9: [REDACTED]

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

FINDINGS OF FACT: [REDACTED]

SUMMARY OF ALLEGATIONS 10 – 12: [REDACTED]

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

FINDINGS OF FACT: [REDACTED]

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/2/07 **DATE OF COMPLETION:** 8/14/07 **PAGE#** 4 of 8

SUMMARY OF ALLEGATIONS 13 – 15: [REDACTED]
[REDACTED]

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

FINDINGS OF FACT: [REDACTED]
[REDACTED]

SUMMARY OF ALLEGATIONS 16 and 17: [REDACTED]
[REDACTED]

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

FINDINGS OF FACT: [REDACTED]
[REDACTED]

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/2/07 **DATE OF COMPLETION:** 8/14/07 **PAGE#** 5 of 8

SUMMARY OF ALLEGATIONS #18 and 19 : [REDACTED]

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

FINDINGS OF FACT: [REDACTED]
[REDACTED]

SUMMARY OF ALLEGATIONS 20 and 21: [REDACTED]
[REDACTED]

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

FINDINGS OF FACT: [REDACTED]
[REDACTED]

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/2/07 **DATE OF COMPLETION:** 8/14/07 **PAGE# 6 of 8**

SUMMARY OF ALLEGATION #22: [REDACTED]

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

FINDINGS OF FACT: [REDACTED]

SUMMARY OF ALLEGATIONS 23 and 24: [REDACTED]

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

FINDINGS OF FACT: [REDACTED]

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/2/07 **DATE OF COMPLETION:** 8/14/07 **PAGE#** 7 of 8

SUMMARY OF ALLEGATIONS 25 and 26: [REDACTED]

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

FINDINGS OF FACT: [REDACTED]
[REDACTED]

SUMMARY OF ALLEGATIONS 27 and 28: [REDACTED]

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

FINDINGS OF FACT: [REDACTED]
[REDACTED]

NOTES:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/2/07 **DATE OF COMPLETION:** 8/14/07 **PAGE#** 8 of 8

SUMMARY OF ALLEGATIONS 29: [REDACTED]

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

FINDINGS OF FACT: [REDACTED]

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

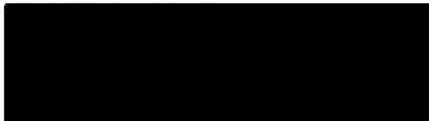
THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

copy

CITY AND COUNTY OF SAN FRANCISCO



August 31, 2007



RE: OCC Complaint No. 0006-07

Dear Dr. [REDACTED]

Enclosed please find the documents that you requested: A copy of the OCC findings letter and OCC brochure. The brochure includes information about the investigation process. If you have any additional question please call.

Sincerely,

Karol Heppe
Investigator

Enc.: Brochure and finding letter

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 16, 2007



COPY

RE: OCC Case No. 0006-07

Dear Mr. [REDACTED]

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

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COPY

Mr. [REDACTED]
OCC Case No. 0006-07

Page 2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

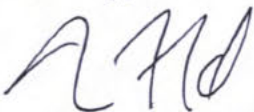
[REDACTED]

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, **Karol Hepe** 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

As members of SFPD know, Department General Order 2.04 III. A.5.a. requires that, after OCC's investigation, including any investigative hearing, the OCC's investigation and findings as to sustained allegations shall be transmitted to the Chief of SFPD or the Chief's designee for review and action.

Sincerely,



Jean Field, Interim Director
KA: gl
Attachment Enclosed

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 16, 2007



[REDACTED]
Narcotics Unit

COPY

RE: OCC Case No. 0006-07

Dear [REDACTED]

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

[REDACTED]

[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, **Karol Hepe** 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:

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Sincerely,

A handwritten signature in black ink, appearing to read "Jean Field".

Jean Field, Interim Director

KA: gl

cc: Commanding Officer

Attachment Enclosed

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 16, 2007

[REDACTED]

Northern Station

RE: OCC Case No. 0006-07

Dear [REDACTED]

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

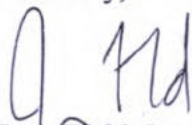
[REDACTED]

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Sincerely,



Jean Field, Interim Director

KA: gl

cc:Commanding Officer

Attachment Enclosed

COPY



OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 16, 2007



COPY

[REDACTED]
Narcotics Unit

RE: OCC Case No. 0006-07

Dear [REDACTED]

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[REDACTED]

[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, **Karol Heppe** 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

As members of SFPD know, Department General Order 2.04 III. A.5.a. requires that, after OCC's investigation, including any investigative hearing, the OCC's investigation and findings as to sustained allegations shall be transmitted to the Chief of SFPD or the Chief's designee for review and action.

Sincerely,

Jean Field, Interim Director

KA: gl

cc:Commanding Officer

Attachment Enclosed

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 16, 2007



COPY

[REDACTED]
Narcotics Unit

RE: OCC Case No. 0006-07

Dear [REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COPY

Page 2

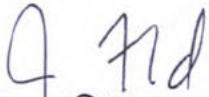
[REDACTED]
OCC Case No. 0006-07

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, **Karol Hepe** 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:

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Sincerely,



Jean Field, Interim Director

KA: gl

cc: Commanding Officer

Attachment Enclosed

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

August 16, 2007



Officer Jon Kasper #68
Narcotics Unit

COPY

RE: OCC Case No. 0006-07

Dear Officer Kasper:

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

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COPY

Officer Jason Kasper #68
OCC Case No. 0006-07

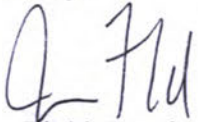
Page 2

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Sincerely,



Jean Field, Interim Director

KA: gl

cc:Commanding Officer

Attachment Enclosed

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/2/07

DATE OF COMPLETION: ~~8/27/07~~

PAGE# 1 of 8

[REDACTED]
SUMMARY OF ALLEGATION #1 :
[REDACTED]

CATEGORY OF CONDUCT: [REDACTED]

FINDING: [REDACTED]

DEPT. ACTION:

FINDINGS OF FACT:
[REDACTED]

Officers Jon Kasper #68 [REDACTED]

SUMMARY OF ALLEGATIONS 2 and 4:

The officers used unnecessary force.

CATEGORY OF CONDUCT: UF

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT:

The officers denied the allegation. Witness officers denied seeing any unnecessary force. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

NOTES:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 1/2/07 DATE OF COMPLETION: ~~8/9/07~~ PAGE# 2 of 8

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

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

FINDINGS OF FACT:
[REDACTED]

[REDACTED]
SUMMARY OF ALLEGATIONS 5 - 8:
[REDACTED]

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

FINDINGS OF FACT:
[REDACTED]

NOTES:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 1/2/07 DATE OF COMPLETION: ~~8/9/07~~ PAGE# 3 of 8

[REDACTED]

SUMMARY OF ALLEGATION #9:

[REDACTED]

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

FINDINGS OF FACT:

[REDACTED]

[REDACTED]

SUMMARY OF ALLEGATIONS 10 – 12:

[REDACTED]

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

FINDINGS OF FACT:

[REDACTED]

NOTES:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 1/2/07 DATE OF COMPLETION: ~~8/9/07~~ PAGE# 4 of 8

[REDACTED]

SUMMARY OF ALLEGATIONS 13 – 15:

[REDACTED]

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

FINDINGS OF FACT:

[REDACTED]

[REDACTED]

SUMMARY OF ALLEGATIONS 16 and 17:

[REDACTED]

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

FINDINGS OF FACT:

[REDACTED]

NOTES:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 1/2/07 DATE OF COMPLETION: ~~8/9/07~~ PAGE# 5 of 8

[REDACTED]
SUMMARY OF ALLEGATIONS #18 and 19 :

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

FINDINGS OF FACT:

[REDACTED]
SUMMARY OF ALLEGATIONS 20 and 21:

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

FINDINGS OF FACT:

NOTES:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 1/2/07 DATE OF COMPLETION: ~~8/9/07~~ PAGE# 6 of 8

[REDACTED]

SUMMARY OF ALLEGATION #22:

[REDACTED]

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

FINDINGS OF FACT:

[REDACTED]

[REDACTED]

SUMMARY OF ALLEGATIONS 23 and 24:

[REDACTED]

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

FINDINGS OF FACT:

[REDACTED]

NOTES:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 1/2/07

DATE OF COMPLETION: 8/23/07

PAGE# 7 of 8

[REDACTED]
SUMMARY OF ALLEGATIONS 25 and 26:
[REDACTED]

CATEGORY OF CONDUCT: [REDACTED]

FINDING: [REDACTED]

DEPT. ACTION:

FINDINGS OF FACT:
[REDACTED]

[REDACTED]
SUMMARY OF ALLEGATIONS 27 and 28:
[REDACTED]

CATEGORY OF CONDUCT: [REDACTED]

FINDING: [REDACTED]

DEPT. ACTION:

FINDINGS OF FACT:
[REDACTED]

NOTES:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 1/2/07 DATE OF COMPLETION: ~~8/9/07~~ PAGE# 8 of 8

[REDACTED]
SUMMARY OF ALLEGATIONS 29:
[REDACTED]

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

FINDINGS OF FACT:
[REDACTED]

SUMMARY OF ALLEGATION:

CATEGORY OF CONDUCT: FINDING: DEPT. ACTION:

FINDINGS OF FACT:

NOTES:

The Police Commission OFFICE OF CITIZEN COMPLAINTS



City and County of San Francisco

To: Jean Fields, Director -
Office of Citizen Complaints

From: Officer Craig Woods
Legal Division

Date: July 10, 2007

Subject: OCC Records Request

RE: [REDACTED] v CCSF

Civil Claim # [REDACTED] **Your OCC Case No. (if any): Unknown**

Incident Occurred: 12/28/2006 / **Location:** 12th Ave & Judah St.

Inc. Report # [REDACTED]

Comments:

[REDACTED] has filed a claim against the CCSF and SFPD regarding the above incident. I have been advised that he may have made an OCC complaint regarding the above matter. I am requesting a copy of any OCC Complainant Form and 293 Form (if available) to assist me in my investigation. Thank you.

(Please fax me at: 553-1999, or contact me at: 553-1971 with any questions.)

Please provide the following information (if available):

- | | |
|--|---|
| <input type="checkbox"/> Investigation Report | <input checked="" type="checkbox"/> Hearing Officer's Decision-293 Form |
| <input checked="" type="checkbox"/> Copy of Complaint Form | <input type="checkbox"/> Copy of Officer Complaint History |
| <input type="checkbox"/> Other (specify) | <input type="checkbox"/> Complete Case File |
| <input type="checkbox"/> Witness List | <input type="checkbox"/> Complete Case File w/Tapes |

Executed on _____, 2005 at San Francisco, California

POSTED
7/10/07

COMPLAINT WORK SUMMARY

DATE ACTIVITY

12/29/06 Received a 2:13 am message from a [REDACTED] re: police brutality causing serious injury to patient at [REDACTED]

Called and left a message for [REDACTED]

Received note from SI Maxson with the following information: Re: patient/injured by officers, [REDACTED] witness, [REDACTED] report of force and detention at 12th and Judah on 12/28/06 at 10 pm. Attached cad printout of [REDACTED] *KH*

1/2/07 Spoke to witness [REDACTED] (phone). [REDACTED] reported that he had spoken to Director Allen 12/29/06 at 2:00 a.m. who advised him to instruct the victim [REDACTED] to call the OCC if he wishes to make a complaint. [REDACTED] said he had spoken to [REDACTED] and he wishes to make a complaint. I advised [REDACTED] that once I had spoke to [REDACTED] I would interview him as a witness to [REDACTED] injuries.

Office interview with [REDACTED] summary: [REDACTED] presented a prepared 293 and typed one-page narrative statement. The following information was obtained from audio taped interview. [REDACTED] said he had driven home to San Francisco from Oakland where he is a resident anesthesiologist at [REDACTED] in Oakland. While driving home his car began to smoke and stalled. [REDACTED] had it towed to the auto mechanic, [REDACTED] located adjacent to his home on Judah Street. After having the car dropped off inside the parking lot area of Emerald Auto he went into his home for a couple minutes then came back out to check his car. At his car he opened the hood and began to check for the source of the smoke. [REDACTED] ran back and forth from his house filling and emptying containers of water into his radiator. [REDACTED] also ran to a local market where he purchased car oil and transmission fluid, returned to his vehicle to insert the oil and fluid into the engine. During this process [REDACTED] said he observed the same woman drive past him numerous times in a slow and peering manner. With his head under his car hood [REDACTED] observed that two officers¹ had arrived, parked their car and were walking toward him. [REDACTED] pulled his head from under the hood and said, "Good evening officers." One of the officers ordered, "Put the flashlight down! Turn around! Put your hands on the car." [REDACTED] replies, "What's the problem?" The officer repeated, "Turn around! Put your hands on the car. You're under arrest." [REDACTED] turned around facing his car. The officers grabbed [REDACTED] arms and pulls them behind his back. The second officer grabed the flashlight from [REDACTED] hand. [REDACTED] is handcuffed. One of the officer's began to search [REDACTED] pockets removing his wallet and keys therefrom. The officer then opened his wallet. [REDACTED] began to complain that the handcuffs were tight and hurting his wrists, could the loosen them. [REDACTED] said PO#1 responded by pulling [REDACTED] arms in an upward position tightening the cuffs and causing pain to his shoulder, rotator cuff. *KH*

¹ [REDACTED] described the officers as follows: PO#1: white, male, early 30's, 5'11", 200 lbs, short hair. PO#2: white, male, late 50s, shorter than PO#1. [REDACTED] *Walter from Kasper*

COMPLAINT WORK SUMMARY

DATE ACTIVITY

1/2/07 [REDACTED] **intake continued:**
Yamoah said **PO#2 opened his car door and begins to look inside.** [REDACTED] admonished the officers advising them to be calm and polite. He continues to complain of the pain caused by the handcuffs to his wrists, he also tried to ascertain why he was being detained, to no avail. The officers only seemed to become more agitated. **PO#1 tells him to, "Shut up" and proceeds to kick [REDACTED] on the side of his lower right leg.** [REDACTED] asked PO#1, "Why did you kick me?" PO#1 replied, "I'm doing my job." [REDACTED] begins to lecture PO#1 about his conduct, commenting that kicking him was not part of his job. PO#1 observed [REDACTED] badge ([REDACTED] clipped to his waste and pulled it off. PO#1 examined the ID and then handed it to PO#2. Two more officers arrived². **PO#3 (tall officer) walks up to [REDACTED] and without provocation or warning punches him in the right side of his chest with a closed fist.** [REDACTED] said the punch was painful but not as painful as it could have been because he had on a thick coat to soften the blow. [REDACTED] said when PO#3 punched him he was still handcuffed and being held by PO#2 who observed the entire unprovoked assault. [REDACTED] said the force of the blow caused him to **fall backwards onto the ground**, onto his back his head striking the pavement upon landing. [REDACTED] said to PO#3, "Why did you punch me?" To which PO#3 replied, "Because I wanted to." [REDACTED] had had enough, he began to scold the officers about their conduct, telling them that what they were doing was wrong, that it was criminal. [REDACTED] told the officers that he had no enemies so that if anything happens to him they would know the police are responsible. He lectured the officers about taking punches as him while he is handcuffed. He preached at the officers saying that if they were not afraid of the law there was a higher law. [REDACTED] told the officers that the car was his, that he had the title to the car inside his house which is right next door. Out of know where PO#3 said to [REDACTED] **"Do you like meth?"** [REDACTED] replied, "What did you say?" PO#3 again said, **"Do you like meth?"** and PO#4 said, **"He's saying, do you like meth?"** To which [REDACTED] replied, "I'm a doctor. I do not condone the use of such drugs." [REDACTED] then asked, **in the presence of PO's #3 and #4 for their identification. The officers ignored the request and did not reply.** [REDACTED] said he was still laying on the ground this whole time. [REDACTED] said more officers may have arrived. [REDACTED] continued to **request that the handcuffs be loosened** that they were causing him pain. [REDACTED] began to ask that he be lifted up off the ground saying, "Help me. Help me up." [REDACTED] asked, "Somebody help me. Is there a supervisor here?" Again no response from the officers on scene. After approx. 10 minutes a supervising officer arrived on the scene (described as African-American, male, slim, 5'10", mid/late 40s, short hair). [REDACTED] was then lifted up from the ground. The supervising officer ask [REDACTED] about the car. [REDACTED] told the supervisor that he had the papers inside of his house located next to the auto repair shop. [REDACTED] said he was escorted, handcuffed, to his house followed by all the officers. **Overcome, [REDACTED] said he began to cry.** At the house **PO#2 used his house key to open the front door. All of the officers then entered [REDACTED] house** as they proceeded

² [REDACTED] described these back-up officers: **PO#3:** male, white, 6'3", 240 lbs, early 30s, spiky hair approx. ¾" long.
PO#4: white, male, slim, 5'11", 24 yo, curly hair, cherry red cheeks.

K4

COMPLAINT WORK SUMMARY

DATE ACTIVITY

1/2/07 **[REDACTED] intake continued:**
up stairs to his room. [REDACTED] said he did not give all these officers permission to enter his home. On of [REDACTED] roommates came down as this was evolving and IDed [REDACTED] as his roommate. In his room [REDACTED] looks for the title to his vehicle. Unable to find it among his papers he suggest that it may be in his wallet. One of the officers goes down and out of the house and returns with [REDACTED] wallet, wherein is located the title to the vehicle. [REDACTED] asks that the handcuffs now be removed, which they were. In his room, surrounded by the supervisor and other detaining officers, [REDACTED] asked that he be advised as to what was going on and what he had done to have this happen to him? He was given no explanation. [REDACTED] **told the officers that he wanted all of their identification. Again [REDACTED] requests were ignored.** As they moved back outside the house one of the officers handed him a piece of paper (Certificate of Release) that stated that he had only been detained. [REDACTED] said he was asked to sign the Certificate but [REDACTED] refused to do so as he had been originally told that he was **UNDER ARREST.** [REDACTED] said someone arrived with a camera to take photographs of [REDACTED] but [REDACTED] refused to be photographed, he didn't see the purpose. [REDACTED] received the Certificate of Release.

After the officers had left [REDACTED] noticed that the officers had **torn his shirt** around a top button and **broken the clip off his work ID badge.** Outside by his car [REDACTED] **found his flashlight broken on the ground.** [REDACTED] also located a cell phone on the ground. [REDACTED] locked his car and left his car key with a note for the auto repair owners.

Ingleside Station: [REDACTED] and [REDACTED] agreed that [REDACTED] should file a complaint so they proceeded to the (Ingleside) police station along with the found cell phone. Inside the station he saw the supervising African-American officer who had been involved in his detention. [REDACTED] told this officer he wanted to file a complaint. The officer advised him of his option and [REDACTED] said he preferred to take the 293 and fill it out himself. [REDACTED] turned over the found cell phone to the supervising officer. The officer who had kicked him, PO#1 came out into the lobby and recovered the cell phone. As of yet, [REDACTED] did not know what initiated the police contact or why he had been treated as he was so **he requested that the supervising officer explain to him the circumstances that caused the police reaction.** [REDACTED] said **the supervisor did not tell him specifically why he'd been detained but suggested examples that could result in such a police response, i.e. police may have gotten a report... [REDACTED] may have fit a description ect.** [REDACTED] could not recall if the AA supervisor told him at his house or later at the station, but at some point he told [REDACTED] that the detaining officers may have been a little up tight because an officer had recently been shot and killed in the line of duty.

[REDACTED] said his friend [REDACTED] had arrived sometime during the detention, had parked his car across the street and waited therein until the police had left. [REDACTED] does not know how much of the detention [REDACTED] witnessed. [REDACTED] provided me with [REDACTED] contact information which was added to the witness list.

COMPLAINT WORK SUMMARY

DATE ACTIVITY

1/2/07 [REDACTED] **intake continued:**
[REDACTED] said he had also received a Reportee follow-up form with IR [REDACTED] (later changed to IR [REDACTED]) but he could not recall if he'd received this at his home or later at the station.

[REDACTED] biggest tribulation comes from being left with the question of why this happened to him. Why officers kicked and punched him and were able to do so with impunity as other officers looked on and did nothing. That officers could conduct themselves in this manner in public and in plain view. [REDACTED] said the officer acted like a mob of gangster. [REDACTED] is left with an unreconcilable fear that he is no longer safe. [REDACTED] felt a remarkable sense of visceral hatred coming from these officers in their violent and aggressive behavior toward him. [REDACTED] **wants an apology** believing that he did not deserve to be treated in this manner. That he is a law biding and productive member of this society and that these officers acted in a lawless and unrepentant manner. [REDACTED] became insistent that he is an honest religious man and will not let this experience break him. **During this point in the interview [REDACTED] was overcome and began to sob uncontrollably.**

Injuries: Bruised and pain to wrists and pain to shoulder rotator cuff.
Clothes: [REDACTED] described the clothes he was wearing; work clothes: black jacket with wool lining waist length, black beanie, dark dress slacks, maroon button down shirt, black leather dress shoes.
Doc(s) received from comp: Certificate of Release³, Reportee Follow-up Form.
HIPPA: [REDACTED] signed; has been treated at [REDACTED] and has had one aptmt to date at [REDACTED] and will receive [REDACTED]

[REDACTED] said he had an appointment with civil rights attorney John Burriss in a couple days. I provided [REDACTED] with a City Claim form. We agreed that I should suspend investigation until he'd had a opportunity to consult with Burriss's office.

CAD #S063623433. *KH*

1/3/07 [REDACTED] called, said he'd spoken to Burriss' office and that I should proceed with investigation. *KH*

1/4/07 Assigned OCC case #.

³ Believes it was either PO#1 or PO#2 that handed him the Certificate of Release but could not verify that that was the officer who filled it out.

COMPLAINT WORK SUMMARY

DATE ACTIVITY

1/4/07

Allegations:
UF (kicked, punched, tight cuffs) DGO 5.01

[REDACTED]

te

1/10/07

Requested IR [REDACTED]

Compared allegations raised at interview to prepared statement for consistency and found that all allegations are adequately covered by the prepared narrative.

Reviewed CAD for officer IDs as follows:

1st officers on scene: 3I13D: Kevin Healy #579 & Jon Kasper #68 (arrived around 10:20pm)
Note, 3I13D entry at 10:21 – “148” (resisting arrest). Listed as “Primary Unit” on cad.

Back-up officers: 3I16E: Joshua Phillips #1697 and Daniel Kroos #546 (on-scene 10:24pm)
Supervisor: 3I100: Sgt. Robert Doss #1566 (on-scene 10:27 pm)

Signed Certificate of Release: 3I11E; Joseph Porta #209 (no on-scene time entered, queries comp’s license # at 10:28).

Outcome of research re: matching descriptions of officers and allegations as follows:

Q2 Kevin Healy #579 – [REDACTED]
Q2 Jon Kasper #68 – white, male, 6’, 185 lbs, 30-40, med. build, brown wavy hair
Q2 Joshua Phillips #1697 – [REDACTED]
Q2 Daniel Kroos #546 – [REDACTED]
Sgt. Robert Doss #1566 – b [REDACTED]

Received copy IR (via fax); Summary: Comp. 1st grabbed by Q2 Kasper #68, assisted by [REDACTED] Kasper admitted to kicking comp. in the leg after comp. refused orders to

te

⁴ Going into comp’s pockets.

⁵ Refused to take statement from comp. during initial contact and allow comp. to prove proof of ownership of vehicle. Lending too much credibility to 911 caller thereby conducting a biased investigation.

⁶ Explain to comp. why he was detained/investigated.

⁷ Comp’s flashlight broken and his ID badge clip broken.

COMPLAINT WORK SUMMARY

DATE ACTIVITY

1/10/07 **Summary of IR continued:**
spread his legs in preparation for a pat search for weapons. Back-up officers arrive, including [REDACTED] who reportedly "pushed" comp, Kasper had a hold of comp. at the time. Kasper double locked comp's cuffs after comp. had "dropped" to the ground. Comp. was able to prove proof of ownership by obtaining a copy of DMV paperwork from his home "almost directly next door." Comp. complained of pain to wrists caused by the handcuffs 'after' Insp. Doss had removed them inside comp's home. Comp. refused ambulance, provided 849B slip. Photo taken of broken flashlight. Entry made in log re: complaint of pain re: tight cuffs and Kasper's kick to separate comp's legs as well as Kasper's right elbow injury.
Unsigned attached statement to IR⁸ (see Page 2 of 2) documenting that the complaint charged the department and officers with racism.

Amended allegations with officer identifications and attached to IR. KH

1/11/07 Received copy of IR via mail. ✓

1/12/07 **Investigator Work Plan:**
* Get allegations approved.
* Request copy of CAD CD and review upon receipt.
* Interview comp's friend [REDACTED]
* ID and interview comp's roommate (who IDed comp. to officers)
* Get copy of Use of Force Log
* MRF officers.

1/15/07 Submitted for review. ✓

1/24/07 - Pln is 2 pages with - Allegations removed
logged points "B" done 5/2/07

1/25/07 File returned/received. -KH
Comp. called asking how long invest.
would take. I advised him 3-6
months. -KH

2/14/07 Sent request for (AD) CD.
" with letters to [REDACTED]

[REDACTED]; 6'2", 250 lbs, white, male.

8. My guess is that this... [REDACTED] was removed by Insp. Doss as a result of his had later written to the supervising officer about filing a complaint. -KH

COMPLAINT WORK SUMMARY

DATE ACTIVITY

2/26/07 Left VM for comp. at [REDACTED] number.

Sent letter to comp. re: ID of roommate and status of med. treatment.

Left VM for witness [REDACTED]

Telephone interview with witness [REDACTED] Summary: [REDACTED] said he's a friend of the comp's. [REDACTED] said he'd received a call from the comp. reporting car problems to he responded to the comp's address. When he got to the address he saw 3 to 5 patrol cars parked adjacent to the house. [REDACTED] called comp. on his cell phone but there was no answer so he walked up to the house and rang the doorbell. Comp's "tenant" responded and said he'd seen the comp. at the house approx. 30 minutes earlier but did not know where he was at the moment. [REDACTED] then heard a voice coming from next door that sounded like the comp. so he walked over to the police activity. He approached an officer⁹ and asked if there was a black male involved in the incident. This officer merely suggested that [REDACTED] speak to another officer. This officer then walked off, entered a patrol unit and drove away. [REDACTED] approached a 2nd officer¹⁰ and again asked his question. The officer ask [REDACTED] who he was and then ask him to wait. At this point [REDACTED] said he observed officers lifting the comp. up from the ground near a car. [REDACTED] said the comp. was crying. [REDACTED] said the comp. made eye contact with him. [REDACTED] said the comp. had a very worried look on his face. [REDACTED] continued to speak to the 2nd officer, telling him that he is an investment banker and that the man they are detaining is a doctor and that he can not be involved in whatever they think he's involved in. The officer ask [REDACTED] about the comp's car. [REDACTED] **did not know if the car in question was the comp's or not.** [REDACTED] said officers began leaving the scene. The 2nd officer walked over to where the comp. was detained by several other officers. There was a brief conversation and the 2nd officer along with several other officers escorted the comp. to the residence and they entered therein. [REDACTED] said that as the comp. passed by him he ask [REDACTED] to stand-by. [REDACTED] asked if he could accompany them but his request was rejected. [REDACTED] said the 2nd officer he'd been speaking to when into the residence with the comp. and a 3rd officer¹¹ came over and began to talk to him. [REDACTED] said **2 or 3 officers entered the residence** with the comp. [REDACTED] said the 3rd officer explained to him why the comp. was being detained; that they had received calls regarding a man being under the hood of a vehicle. [REDACTED] said this 3rd officer, offered without solicitation a comment that the officer behavior was not an act of profiling. At this prompting, [REDACTED] then suggested that the comp. was being treated in a disparate manner. A 4th officer¹² joined [REDACTED] and the 3rd officer's discussion. Comp. was brought out of the building still handcuffed. Outside comp. ask the

⁹ [REDACTED] described this officer as:
¹⁰ [REDACTED] described this 2nd officer
¹¹ [REDACTED] described the 3rd officer:
¹² [REDACTED] described this 4th officer:

COMPLAINT WORK SUMMARY

DATE ACTIVITY

2/26/07

Telephone interview with witness [REDACTED] continued:
officers to uncuff him and they did. [REDACTED] said there was a 5th officer¹³ present during this incident but [REDACTED] was not sure if this officer entered the comp's residence or not. The officers with [REDACTED] explained to him that they were going into the residence for proof of ownership papers of the vehicle. When the comp. came out with the officers and he was uncuffed they got into a discussion with the officers still on scene about their conduct during this incident and their inappropriate handling of the matter. [REDACTED] said the comp. accused the officers of police brutality and accused one of the officers, officer #6¹⁴ for having kicked him. [REDACTED] said the officer admitted to kicking the comp. saying he did so to bring him down. To which the comp. argued that that was not the way he was kicked that he had kicked him in a manner to inflict pain not to cause him to lose balance and fall. [REDACTED] said the officers apologized to the comp. for the detention. [REDACTED] said the comp. asked the African-American officer for his name, [REDACTED] said he believed the African-American officer gave comp. his name but he was not certain and did not recall if the other officers gave comp. their name, but he said the request was made to all officers present at this time. [REDACTED] said the comp. looked for the officer who had punched him but he was no longer at the scene. The African-American officer instructed the comp. of his right to make a complaint. A second officer brought over some paperwork for the comp. to sign (Cert. of Release) explaining that the document said the comp. was not arrested, merely detained. [REDACTED] said he and comp. discussed whether or not the comp. should sign this document and it was agreed that he would not do so. The remaining officers, 2-3 units, 5-6 officer, then left.

After the officer had left, [REDACTED] and comp. walked to his car where they located a discarded/lost cell phone on the ground. They decided that it may have belonged to one of the officers on-scene so they called the police station to report the found cell phone. They then proceeded to the station where they were met by several officers who'd been at the incident and one of the officer's accepted the cell phone. The African-American officer from the incident thanked them for dropping off the cell phone. They then filled out a **Citizen's Complaint form.**

[REDACTED] said he did not see comp's vehicle searched.
[REDACTED] said after the incident they did find comp's flashlight on the ground by the car. It was broken and inoperable.

Comp. returned call and provided the following requested info:

- * ID of roommate at the residence when he was escorted therein by officers: [REDACTED]
(still resides at [REDACTED])
- * Medical treatment: [REDACTED]

¹³ [REDACTED] described this 5th officer: [REDACTED]

¹⁴ [REDACTED] described this officer: Male, white, 5'11", 190 lbs, in his 30s, brown hair and uniformed.

COMPLAINT WORK SUMMARY

DATE	ACTIVITY
2/27/07	Received copy of CAD CD. <i>KST</i>
3/5/07	Sent witness [REDACTED] letter. <i>KST</i> Updated HIPPA with medical facilities/doctors and forwarded copies to each. Reveiwed CAD CD. Pulled Use of Force Log. There is an entry by Q2 Kasper #68 for use of physical control and comments that complaint complained of wrist pain. Sgt. Doss signed off as supervisor. <i>KST</i>
3/10/07	Received MEDs for [REDACTED] Summary: [REDACTED] <i>KST</i>
3/19/07	The letter to comp's [REDACTED] returned "ATTEMPTED - NOT KNOWN UNABLE TO FORWARD." <i>KST</i>
4/13/07	Called [REDACTED] and left VM for him to call with his address. [REDACTED] called, left VM stating that his address is [REDACTED] <i>KST</i>
4/16/07	Resent HIPPA to [REDACTED] Received copy of Meds from [REDACTED] Treatment dates: [REDACTED]
4/17/07	Received Meds from Alameda County Medical Center: Treatment dates: [REDACTED]
4/26/07	Comp. called for status of investigation. I advised that complaint open and active. <i>KST</i>

COMPLAINT WORK SUMMARY

DATE	ACTIVITY
5/14/07	Recd report from [REDACTED] [REDACTED]
6/5/07	Began MRF prep. <i>KH</i> Added allegation against Q2 [REDACTED] for [REDACTED] as he was IDed on the IR as having entered the house and was with the comp. when the comp. asked the officers to ID themselves and did not do so (failure to take required action). <i>KH</i>
6/6/07	Continued working on MRF prep. <i>KH</i>
6/7/07	“ “ “ “ “ <i>KH</i>
6/8/07	Sent MRFs; Due Date: 7/1/07. <i>KH</i>
6/13/07	Received Q2 Phillips signed Proof (fax and mailed). Received Q2 Kroos signed Proof. <i>KH</i>
6/14/07	Received Q2 Healy and Kasper's and Sgt. Doss's signed Proofs. <i>KH</i>
6/15/07	Received Q2 Lee's signed Proof. <i>KH</i>
6/18/07	Received Q2 Phillip #1697 MRF answers: Summary: UF against # [REDACTED] 68: Said comp. already handcuffed upon their (partner Q2 Kroos 546). Said numerous units already on scene. Described comp. as, "agitated, loud and belligerent verbally." Denied seeing the alleged acts of force. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6/19/07	Received Q2 Porta's signed Proof. <i>KH</i>

COMPLAINT WORK SUMMARY

DATE ACTIVITY

6/20/07

Received Q2 Healy #579 MRF answers: Summary:

UF against [REDACTED] #68: Denied observing Q2 Kasper #68 use the alleged UF. Said cuffs not immediately double locked bec. comp. was resisting. Denied seeing alleged force used by [REDACTED]

[REDACTED]

Received Q2 Kroos #546 MRF answers: Summary:

UF against [REDACTED] #68: Said he responded as back-up with partner Phillips. Said comp. already cuffed and on the ground "yelling" when they arrived on the scene. Said he never approached the comp. during the incident. Denied seeing the specific acts alleged.

[REDACTED]

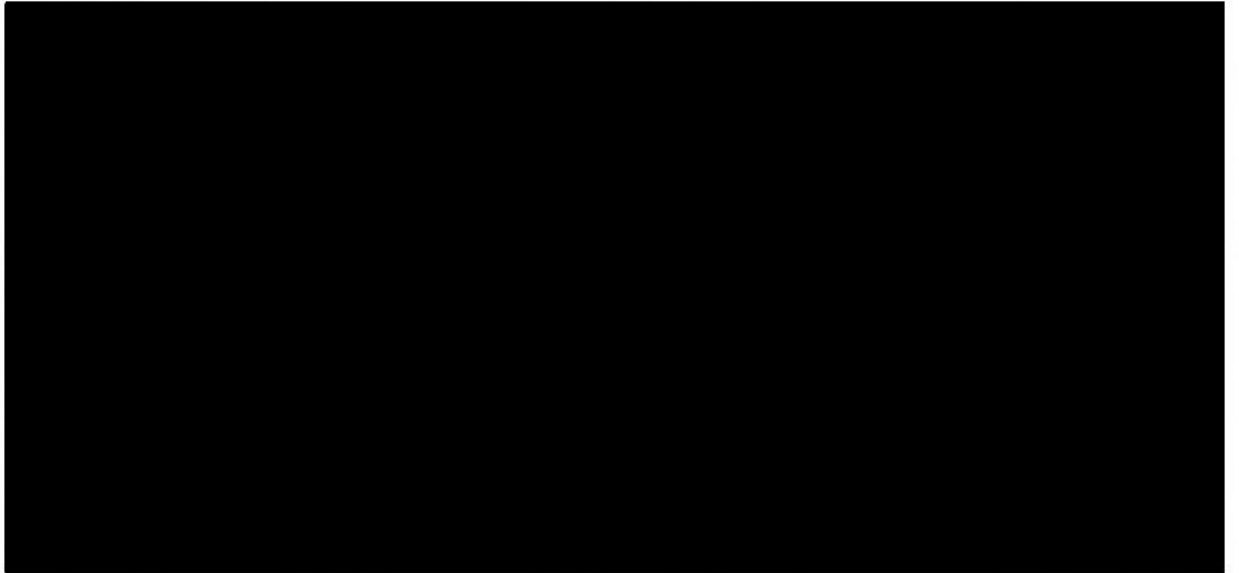
COMPLAINT WORK SUMMARY

DATE **ACTIVITY**

6/27/07

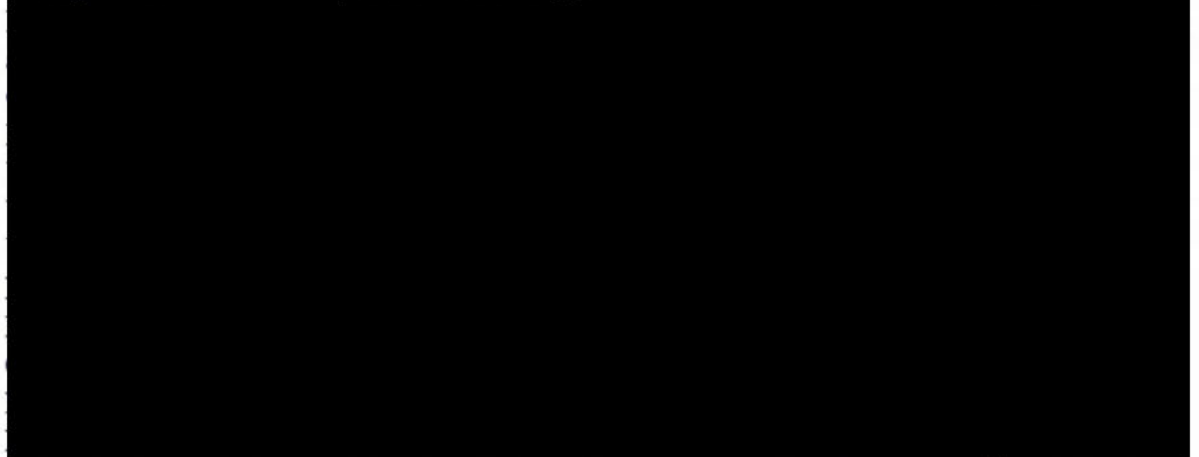
Received Q2 Lee #2218 MRF answers: Summary:

UF against # [REDACTED] 68: Lee was [REDACTED] partner. Upon their arrival as back-up for a "resister" they saw Q2 Kasper ordering the comp. to lean against a vehicle and that comp. was not complying. Denied seeing the alleged force, said [REDACTED] did not punch, but pushed comp. to have him face the vehicle. Said the comp. lowered his body to the ground by his volition.



Received Q2 Porta #209 MRF answers: Summary:

UF against # [REDACTED] 68: Denied seeing.



[Handwritten initials]

COMPLAINT WORK SUMMARY

DATE **ACTIVITY**

6/29/07 **Received Q2 Kasper #68 MRF answers: Summary:**
UF against [REDACTED] 68: Denied using the alleged force. Said Q2 Krystal #4217 told him he'd pushed the comp. Q2 Kasper did not she Krystal strick comp. with a closed fist.

[REDACTED]

7/2/07 **Received (Insp) Doss #1566 MRF answers: Summary:**
UF against [REDACTED] 68: Comp. already cuffed upon his arrival. Denied seeing the alleged force.

[REDACTED]

7/24/07 Comp. called regarding the status of the investigation. I advised him that the investigation is active and should be completed within the next couple months.

KA

COMPLAINT WORK SUMMARY

DATE ACTIVITY

8/6/07
- 8/8/07

RECOMMENDATION FOR COMPLAINT CLOSURE:

UF against:

[REDACTED]
[REDACTED] Kasper 68 is NS. Kasper denied kicking the comp. saying he tapped the comp's leg with his foot when the comp. did not spread his legs as ordered. [REDACTED] said he double locked the handcuffs when it was safe to do so. Back-up officers all denied witnessing the kick and said that the comp. was noncompliant to verbally orders and was verbally aggressive to the officers. Several witness officers however, said they observed no reason why the handcuffs could not be double locked. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COMPLAINT WORK SUMMARY

DATE **ACTIVITY**

8/6/07

- 8/8/07

RECOMMENDATION FOR COMPLAINT CLOSURE continued:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PA

COMPLAINT WORK SUMMARY

DATE ACTIVITY

8/8/07 RECOMMENDATION FOR COMPLAINT CLOSURE continued:

[REDACTED]

[REDACTED]

8/8/07 - Conf w/ ID Field - removing keys! wallet OK
to establish ownership of car - PC
prepare CSR for closure
8/9/07 Files returned/received.
Prepared CSR.
Submitted for Closure. -KJH
8/9/07 - To close review
~

COMPLAINT WORK SUMMARY

DATE	ACTIVITY
8/27/07	Comp. left a VM requesting that a copy of the Preliminary Finding Letter and a extra information regarding OCC investigation procedures be sent to: [REDACTED] -kb
8/30/07	Spoke with Dr. [REDACTED]. He is <u>very</u> upset about the findings. He did not indicate any intention to ask for a Hearing at this time. I advised him that I would send out the requested doc's tomorrow. -kb
8/31/07	Sent copy of findings letter & brochure to [REDACTED] address. -kb
9/7/07	Comp. called, left VM - concerned that there was no allegation for [REDACTED]
9/12/07	Comp. called, voiced his above concern re: [REDACTED]. Advised him that if he'd like to review the finding in more detail he'd have to sign a confidentiality statement. Comp. ask if I could fax him the Confidentiality Statement - he said he'd call me back w/a fax #.
NOTE: Comp. highly agitated	

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

480 SECOND STREET, SUITE 100

SAN FRANCISCO, CALIFORNIA 94107-1429


Narcotics Unit

SFDPA - 0006-07 - 000223

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

3
4 **CASE NUMBER: 06-07**

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8 **CAD/911 CALL**

9 **File: ct09**

10 **December 28, 2006**
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1 **O: 911 OPERATOR**

2 **C: CALLER [REDACTED]**

3

4 O: San Francisco 911 exact location of the emergency?

5 C: (Inaudible)

6 O: Hello.

7 C: Yes.

8 O: I can hardly hear you.

9 C: I'm sorry. There's some guy getting under a hood of a car looks like he's stealing a

10 battery.

11 O: Before we continue once again, you're really low on volume. Is there any way – Hello?

12 C: Yes.

13 O: Can you speak a little louder?

14 C: He's gone now.

15 O: What's the location?

16 C: It's Judah and (inaudible) Judah and 12th.

17 O: Judah and what's the cross?

18 C: (inaudible) breaking into this (inaudible)

19 O: Judah and what's the cross?

20 C: 12th

21 O: What is it?

22 C: It's Emerald Auto – they have cars out there with guys under the hood of the car. Looks

23 like he's stealing a battery or something.

24 O: Okay what is the cross on Judah again? I'm really having a hard time hearing you.

25 C: 12th. 12th and Judah.

1 O: 12th?
2 C: 12th and Judah. Emerald Auto and Brake.
3 O: Okay and you said there are subjects breaking into a vehicle?
4 C: Yeah, he's got the hood open and looks like he's stealing a battery.
5 O: He's stealing what from the hood?
6 C: A battery.
7 O: Okay how long ago did this happen?
8 C: Pardon me?
9 O: How long ago did this happen?
10 C: It's happening right now.
11 O: How many of them?
12 C: One. He's a black male about 6'2" wearing a watch cap and a dark coat.
13 O: Dark watch cap. What else is he wearing?
14 C: (inaudible)
15 O: Excuse me?
16 C: Wearing a watch cap and a dark coat.
17 O: Dark coat.
18 C: Yeah, he's under the hood right now.
19 O: What color is the vehicle he's (inaudible) to?
20 C: I can't see (inaudible)
21 O: Excuse me?
22 C: I can't really see it that well. I'm in my car. I'm going around the block. It just doesn't
23 look like he belongs.
24 O: He still (inaudible)
25

1 C: Pardon me?
2 O: He still there?
3 C: Yes, he is. He's under the hood right now.
4 O: What's your name?
5 C: My name is [REDACTED]
6 O: What is it?
7 C: [REDACTED]
8 O: [REDACTED] I'm sorry.
9 C: My name is [REDACTED]
10 O: [REDACTED] And your phone number?
11 C: [REDACTED]
12 O: What's your cell phone number?
13 C: [REDACTED]
14 O: Okay. [REDACTED]. All right. Are you still in the area? Huh?
15 C: I'm leaving the area now.
16 O: Okay
17 C: (Inaudible)
18 O: We'll have someone come out there.
19 C: Okay thank you
20 O: Thank you
21 END OF CALL
22
23
24
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1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 5, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of
14 September 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
 By Electronic Mail

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

3
4 **CASE NUMBER: 06-07**

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8 **CAD**

9 **File: dp11 2227**

10 **December 28, 2006**
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1 **D: DISPATCH**

2 **PU: POLICE UNIT**

3

4 PU: Ida 16 – Ida 6, Ida 100 97.

5 D: Ida 100 10-4

6 END

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2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 06-07**

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8 **CAD**

9 **File: dp06 2218**

10 **December 28, 2006**
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1 **D: DISPATCH**

2 **PU: POLICE UNIT**

3

4 D: Taraval A priority 5 2 just occurred Judah and 12th. Male broke into a vehicle and is now
5 under the hood trying to take the battery. BMA 6'2" dark watch cap, dark coat, he's still 97
6 under the hood. The RP is leaving the area. No further. That's Judah and 12th.

7 PU: Ida 16 Edward we'll go.

8 D: Ida 16 Edward 10-4.

9 **END**

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

3
4 **CASE NUMBER: 06-07**

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8 **CAD**

9 **File: dp11 2219 to 2223**

10 **December 28, 2006**
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1 **D: DISPATCH**
2 **PU: POLICE UNIT**
3
4 PU: Henry 11 Edward Sam
5 D: Henry 11 Edward Sam
6 PU: Yeah unless there's anything further, we searched the area. I'm giving a final code 4 and
7 UTL and I'll be 98 back to my, to Tomkins and (inaudible) regarding the 518.
8 D: 10-4.
9
10 PU: George 118 - 11 Edward
11 PU: Go ahead Sarge.
12 PU: 901 the front desk please for 903.
13 PU: 10-4
14
15 PU: Henry 16 David to Henry 41
16 PU: Go ahead
17 PU: Did the airbags deploy in that vehicle on (inaudible)
18 PU: Negative.
19 PU: 10-4 thanks.
20
21 PU: Ida 13 David 97 Judah and 12th
22 D: Ida 13 David 10-4
23
24 PU: Ida 13 David we got one (inaudible)
25

1 D: Ida 13 David you got one detained sufficient help?
2 PU: No, he's a 148.
3 D: Ida 13 David's got a 148 Judah and 12th
4 PU: Ida 16 David.
5 PU: 3 George, 3 Ida 13 Edward, (Inaudible)
6 D: 148 Judah and 12th. Ida 13 David, Ida 16 David are you going?
7 PU: (inaudible) code 4
8 D: Code 4 Judah and 12th
9 PU: Yeah 13 David code 4. Already been cuffed.
10 D: Copy.
11 PU: Ida 100 copies. 98.
12 D: Copy 100 is 98
13 PU: (inaudible)
14
15 D: Is there a unit calling on 7
16 PU: Last name is [REDACTED] first name is [REDACTED]
17 D: 10-4 documented
18
19 D: Units stand by for All unless you have an emergency. This is going to be an add to the
20 hot sheet per 3 Edward 11 Edward. Add [REDACTED] plate, actually it's - be a plate of [REDACTED]
21 [REDACTED]. It's a [REDACTED] taken from [REDACTED]
22 [REDACTED]
23
24 PU: 3 Ida 13 David
25 D: Ida 3 David

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PU: Run a plate, [REDACTED] [REDACTED]

D: Stand by. Ida 13 David [REDACTED] 1991 Acura current tags to 6/10/2007 to an
[REDACTED] address. Vehicle shows 32.

PU: Spell that last name for me?

D: Ida 13 David it's 32 to [REDACTED]

PU: Yeah, can you spell that last name for me?

D: [REDACTED]

END

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2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 06-07**

5
6
7
8 **CAD**

9 **File: dp11 2313 to 2316**

10 **December 28, 2006**
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1 **D: DISPATCH**
2 **PU: POLICE UNIT**
3
4 PU: (Inaudible)
5 PU: Ida 6 Edward (Crystal)
6 PU: (inaudible)
7 PU: Sorry 10-9
8 PU: Can I get (inaudible) when you get a chance
9 PU: 10-4. Call the company right now. Are you at the front desk?
10 PU: No I'm not. I'll wait till you (Inaudible) no hurry (inaudible) that's fine.
11 PU: All right 10-4.
12
13 PU: Ida 16 David
14 D: Go ahead
15 PU: Yeah we request of the Ida 13 David, requested a (Inaudible) 12th and Judah and I'm not
16 seeing it in CAD
17 D: This is 13 David?
18 PU: Yes 10-4.
19
20 D: Did you ever go to (Robono) and pull a case number? They show a case number for
21 (Robono).
22 PU: (inaudible) responded (inaudible) on the case number we got on the air was [REDACTED]
23 I'm trying to find it in the CAD.
24 D: Yeah they had you going to Robono and assigned the case number to that run. Let me,
25 disregard that case number. I'll pull you up one for Judah.

1 PU: 10-4

2 END

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14 September 2019.

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16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
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